

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THE NATIONAL SECURITY ARCHIVE)
FUND, INC.,)

George Washington University)
Gelman Library Suite 701)
2130 H Street, N.W.)
Washington, D.C. 20037)

Plaintiff,)

v.)

Case No. _____

THE UNITED STATES DEPARTMENT)
OF THE AIR FORCE,)

Kenneth L. Wainstein)
United States Attorney for the District of Columbia)
United States Attorney's Office)
District of Columbia)
555 4th Street, N.W.)
Washington, D.C. 20530)

Defendant.)

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

I. PRELIMINARY STATEMENT

1. This is an action arising under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended, seeking injunctive, declaratory and other appropriate relief, to compel the timely processing and release of agency records from the United States Air Force and various components therein ("Air Force"), to the National Security Archive Fund, Inc. ("Archive"). This action is necessary because the Air Force's pattern and practice of mishandling and delaying responses to FOIA requests and appeals has left a number of the Archive's requests pending for *over ten years* without a completed response.

2. The Archive seeks these records to advance its mission of analyzing and disseminating information to the public on United States military, intelligence, and national security policy. Completing the processing and release of these records is essential to advancing the Freedom of Information Act's core purpose of enabling informed public discourse concerning the activities and operations of the United States Government. To facilitate such discourse, the Archive regularly collects and publishes records from multiple government agencies concerning key historical events and policy issues. The Air Force's pattern and practice of mishandling and delaying responses, in contrast to the procedures at other federal agencies, frustrates the Archive's work, hinders the community of scholars studying military and intelligence policies, and subverts essential, informed discourse among the national and world communities affected by U.S. policies.

3. This suit seeks completed production of documents for eighty-two separate FOIA requests made by the Archive from July 9, 1987 to March 8, 2004. Of these requests, forty-nine of the oldest were refiled between July and September 2004 because over six years – and in some cases seventeen years – had passed without the Air Force completing its processing of the original requests.

4. The Air Force's handling of the Archive's FOIA requests and appeals constitutes an arbitrary and capricious pattern or practice of failing to process requests for records under the Freedom of Information Act. The Air Force's pattern or practice includes failing to acknowledge FOIA requests; mishandling of FOIA requests (including losing FOIA requests and forwarding requests to agencies or components that lack authority to make release determinations); failing to process requests within the twenty business day statutory time period; failing to process administrative appeals within the twenty business day statutory time period;

routine invocation of time extensions for processing without any explanation of the unusual circumstances warranting such extensions; failing to respond to inquiries about the status of FOIA requests; failing to process FOIA requests before the requested records have been destroyed or transferred to the National Archives and Records Administration as historical records; failing to have any system for monitoring and tracking the progress of FOIA requests; and discouraging FOIA requesters by inquiring whether they continue to be interested in outstanding requests after periods of extensive delay.

5. In many cases, the Archive made repeated written or oral inquiries about the status of the requests enumerated below, or narrowed the scope of individual FOIA requests in order to facilitate processing. These inquiries include two recent letters to the Air Force by the Archive's General Counsel expressing concern about these long-overdue FOIA requests and two recent telephone messages left by the Archive's General Counsel with agency personnel responsible for FOIA matters. As recounted in detail below, the Air Force initially failed completely to respond to these inquiries, and when it finally responded, the Air Force failed to make any report on the status of the requests.

6. During the long pendency of the Archive's requests, some responsive records reportedly have been lost or destroyed. The possibility that further records will be lost or destroyed adds particular urgency to this action.

7. The Air Force's practice of not responding to the Archive's FOIA requests in a timely manner, indeed not responding at all in some circumstances, violates not only the FOIA, but also the Department of Defense's regulations governing FOIA requests. As detailed below, the Air Force's sister agencies within the Department of Defense have apparently superior systems, and far superior records, in responding to FOIA requests.

8. The Archive seeks both declaratory and injunctive relief, including, inter alia, ordering the completed production of documents responsive to the Archive's FOIA requests listed below; ordering the thorough search and indexing of responsive documents, even if withheld; ordering the institution of a proceeding to hold accountable the responsible parties within the Air Force; and ordering the Air Force to devote resources to FOIA compliance and institute a tracking system for future FOIA requests that will enable the Air Force to process such requests in the same manner and with at least the same expedition as its sister armed service agencies.

II. JURISDICTION AND VENUE

9. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B). This court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331.

10. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

III. PARTIES

11. Plaintiff the National Security Archive Fund, Inc., is a not for profit corporation located at George Washington University, established to promote research and public education on U.S. governmental and national security decision-making and to promote and encourage openness in government and government accountability. The Archive collects and publishes declassified documents acquired through the Freedom of Information Act. In the course of its research on U.S. government policy and decision-making, Archive analysts file more than 1,000 FOIA requests annually and publish numerous document sets, briefing books, and other publications for dissemination to the public. The Archive is the world's largest nongovernmental library of declassified documents, has published more than 500,000 pages of declassified records

in various formats, and has become the leading non-profit user of the FOIA. It has conducted two audits of the administration of FOIA by thirty-five federal government agencies, including one that focused solely on the issue of delay and backlogs.

12. Defendant Air Force is a Department of the Executive Branch of the United States Government. The Air Force is an agency within the meaning of 5 U.S.C. § 552(f). It has possession and control over the records sought by Plaintiff.

IV. FACTS

A. OVERVIEW OF THE AIR FORCE'S RESPONSES TO THE ARCHIVE'S FOIA REQUESTS

13. The Archive has filed at least one hundred sixty-two separate FOIA requests with the Air Force from July 9, 1987 to April 2004 that the Air Force has failed to completely process. The Archive now seeks to compel production of documents responsive to eighty-two of the most pressing of these requests.

14. In some cases, the Air Force failed even to acknowledge the FOIA filings at issue here. See, e.g., Request Nos. 2, 3, 4, 5, 9, 10, 12, 16, 17, 18, 21, 27, 33, 34, 35, 39, 42, 45, 50. On many occasions, the Air Force simply failed to give any substantive response. See, e.g., Request Nos. 4, 5, 6, 9, 10, 15, 17, 18, 20, 21, 24, 28, 29, 31, 33, 34, 35, 39, 40, 45, 47, 49, 50, 53, 54, 57, 62, 66, 67, 68, 70, 71, 72, 73, 74, 77, 78, 79, 80, 81, 82. The Air Force processed some requests in part but never completed its response. See, e.g., Request Nos. 1, 2, 13, 16, 22, 24, 30, 32, 36, 42, 46, 56, 59, 65. The Air Force has, on occasion, informed the Archive that completion of a request awaits review by another agency or some component of the Air Force, but then neither the Air Force nor the other agency has ever given a final determination. See, e.g., Request Nos. 8, 14, 15, 32, 56.

15. The Air Force's communication regarding FOIA requests has been erratic. Sometimes, the Air Force allows years to pass without any communication at all regarding a particular FOIA request, including requests where at least a decade passed without any communication from the agency. See, e.g., Request Nos. 1 (17 years), 2 (10 years), 3 (10 years), 4 (10 years), 5 (10 years), 6 (11 years), 7 (10 years), 8 (10 years), 9 (10 years), 10 (10 years). On several occasions, the Air Force sent a steady stream of form letter updates noting that it was still processing a particular request, but then abruptly ceased all contact after a year or two and failed to complete the process. See, e.g., Request Nos. 11, 20, 27, 47, 49.

16. The Air Force has at least thirty entities with separate authority to issue FOIA determinations. See 32 C.F.R. §806.26; End Note to this Complaint (Acronyms and Air Force Components). It is often difficult to determine which component of the Air Force has responsibility for particular documents. Since the oldest requests in this lawsuit were filed, the Air Force has reorganized several times, thereby compounding the difficulty for FOIA requesters in tracking the progress of their requests.

17. In over seventy of the eighty-two requests at issue here, the Air Force redirected the entire request or forwarded portions of the request to various Air Force components or to sister-agencies. This referral and consultation process can include several agencies or Air Force components and go on for years. See, e.g., Request Nos. 27, 32. The different Air Force components or sister agencies often apply different FOIA tracking numbers to the Archive's requests, compounding the confusion. See, e.g., Request Nos. 12, 22, 24, 58, 63.

18. The Archive has frequently narrowed its requests to facilitate review and release of documents, but the Air Force has not responded more quickly as a result. See, e.g., Request Nos. 13, 14, 16, 37, 42.

19. The Air Force has also regularly failed to respond to administrative appeals in a timely manner. See, e.g., Request Nos. 3, 11, 12, 17, 19, 26, 38, 43, 44, 48, 52, 55, 58, 60, 61, 63, 64, 69.

20. Upon information and belief, the Air Force lacks any mechanism for overall oversight of the FOIA process.

21. Upon information and belief, the Air Force lacks any mechanism for tracking, monitoring, and completing processing of requests that have been forwarded to Air Force components.

***B. THE ARCHIVE'S MOST RECENT EFFORTS TO DETERMINE
THE STATUS OF LONG-PENDING FOIA REQUESTS***

22. By letter dated December 12, 2003, General Counsel for the Archive wrote the Secretary of the Air Force regarding numerous long-overdue requests referenced in this Complaint. The letter specifically listed the oldest of the requests, which had been pending ten or more years, and stated in relevant part:

Many of the documents in [these] requests are specifically identified and known to exist because they are identified in the records transmittal forms that accompanied the records when they were transferred to the Federal Records Center in Suitland for storage. Thus, the records should be easy to locate

. . . In several other cases, correspondence from Air Force in response to the various requests specifically indicates that the documents have been located and are being reviewed for release by various – sometimes specified – Air Force activities.

. . . Unfortunately, there seems to be little response even in these circumstances when the Air Force has acknowledged that the request has been pending for an exceptionally long time.

Thus, it appears that almost ten years has passed with most of the requested records stuck in the “review” stage of FOIA processing. It is time to push them along and complete processing for release. The unexpected delay exhibited by Air Force constitutes a lack of adherence to the law and suggests a lack of consideration for the purposes of the FOIA.

We are aware of no explanation for these requests having fallen out of the Air Force processing queue as we never withdrew any of the requests and never received any substantive responses to the requests.

The letter concluded, "I would like to meet with a responsible person at the Air Force to discuss a schedule for completion of the search and review associated with the FOIA requests that are the subject of this letter."

23. The Air Force never responded to the Archive's December 12, 2003 letter.

24. General Counsel for the Archive left voicemail messages on January 20 and 23, 2004 for John Espinal, who is listed as the Air Force's principal FOIA contact on the Department of Justice's web site (<http://www.usdoj.gov/04foia/foiacontacts.htm>) referencing the concerns expressed in the December 12 letter.

25. Mr. Espinal did not return either message.

26. By letter dated April 20, 2004, the Archive's General Counsel wrote the Air Force General Counsel and the Deputy General Counsel with responsibility for FOIA matters regarding the numerous long-overdue responses to FOIA requests. The letter stated, in relevant part:

I contacted the Air Force regarding this persistent problem . . . by letter dated 12 December 2003 but have received no response to my letter or to several telephone messages that I left. A copy of my letter, which describes the problem in detail, is attached.

...It is my hope that we will be able to work with the Air Force [to make progress]. The lack of any response, however, concerns me. I request, therefore, that you respond to me by May 5, 2004, to discuss the possibility of resolving this matter

27. After receiving no response to the April 20 letter, the Archive's General Counsel telephoned Ms. Anne Rollins during the week of May 17, 2004. Upon information and belief, Ms. Rollins is involved in FOIA policy matters at the Air Force. Ms. Rollins indicated that she would inquire as to the status of the FOIA requests.

28. On May 26, 2004, the Archive's General Counsel received a letter dated May 20, 2004, from Air Force Deputy General Counsel Don W. Fox , which states, in relevant part:

I apologize for the length of time it has taken to process these requests and we will make every effort to determine where the breakdown has occurred in there [sic] processing.

29. The Archive's General Counsel has received no further communications from the Air Force regarding this matter.

C. THE INDIVIDUAL FOIA REQUESTS AT ISSUE IN THIS ACTION

**(1) AIR FORCE CORRESPONDENCE ON THE MARCOSES
AFTER FEBRUARY 26, 1986**

30. By letter dated July 9, 1987, the Plaintiff wrote Headquarters (HQ) United States Air Force/DAQD (USAF/DAQD) to request, pursuant to FOIA:

All records, including but not limited to telegrams, memoranda, and notes of conversations, pertaining in whole or in part, to the activities in Hawaii since February 26, 1986 of former Philippines President Ferdinand Marcos and Imelda Marcos.

(Archive Request No. 870403AIR010; Air Force FOIA No. 87-740).

31. On information and belief, USAF/DAQD is a component of Defendant.

32. By letter dated July 22, 1987, the Office of the Secretary of the Air Force (OSAF) wrote Plaintiff that the requested records were not available from its office and that the request had been forwarded to Pacific Air Forces/DADF (PACAF/DADF), 3d Air Division/DADF, and 3 Combat Support Group/DADF. This letter stated that these components "will reply directly to you."

33. On information and belief, OSAF, PACAF/DADF, and 3d Air Division/DADF are components of Defendant.

34. Defendant did not deny the request or provide Plaintiff with any records responsive to its request.

35. Plaintiff refiled its original request on July 20, 2004, with 11 CS/SCSR and 15 CS/SCSR (Archive Request No. 20040852AIR013; Air Force FOIA No. 04-0940, 04-082).

36. On information and belief, 11 CS/SCSR and 15 CS/SCSR are components of Defendant.

37. Defendant acknowledged receipt of the refiling by letter dated July 21, 2004.

38. On August 9, 2004, Defendant notified Plaintiff that it had forwarded the request to the Air Force Historical Research Agency/IM (AFHRA/IM) and that it would reply directly to Plaintiff.

39. On information and belief, AFHRA/IM is a component of Defendant.

40. By telephone conversation on or about August 23, 2004, Defendant notified Plaintiff that some records from the time period of the request likely were destroyed because they were not permanent records of historical value. Defendant also indicated that a separate response would be received from another agency.

41. By letter dated September 3, 2004, AFHRA transmitted to Plaintiff a computer printout "describing documents that may be responsive to [the] request."

42. By letter dated September 16, 2004, Plaintiff requested five records from the above-referenced computer printout.

43. By letter dated October 18, 2004, AFHRA/RSA wrote Plaintiff that the request for the five records was referred to four different "USAF organizations." They were HQ PACAF/SCI, 15 CS/SCSIR, 374 CS/SCSR, and HQ AMC/A63BR.

44. On information and belief, AFHRA/RSA, PACAF/SCI, 15 CS/SCSIR, 374 CS/SCSR, and AMC/A63BR are components of Defendant.

45. On December 8, 2004, HQ AMC/A63BR wrote Plaintiff that it had placed the request on its simple track.

46. On December 17, 2004, PACAF released eight documents to Plaintiff.

47. On December 28, 2004, 374 CS/SCSR wrote Plaintiff that:

Based on our initial review, we believe we cannot process your request within 20 workdays. In your case, processing your request is complex, because the records sought are voluminous, multiple organizations will have to work on this request, the records requested are classified and come from another organization. Simplifying your request might permit quicker processing. Can you please tell me if there is particular information you [are] looking for from the history report of 1986?

48. On January 14, 2005, HQ PACAF/SCT wrote Plaintiff to question whether Plaintiff was "interested only in lessons learned, after action reports and completed studies," because "the document itself is classified, so a declassification review must be conducted." In addition, Defendant stated that, "It's a little difficult to locate the proper office since 17 years has passed since the Marcos thing happened, so processing will take some time."

49. On information and belief, PACAF/SCT is a component of Defendant.

50. On January 18, 2005, PACAF/SCTE wrote to Plaintiff advising it to respond to CS/SCSR's request for clarification dated December 28, 2004.

51. On information and belief, CS/SCSR is a component of Defendant.

52. On January 18, 2005, Plaintiff replied to PACAF/SCTE and narrowed the request.

53. On January 18, 2005, PACAF/SCTE requested that Plaintiff direct its clarification to the Yokota, Japan FOIA manager.

54. On January 27, 2005, Plaintiff wrote to the Yokota, Japan Air Force FOIA manager and further clarified and narrowed the request.

55. On February 25, 2005, HQ PACAF wrote Plaintiff to request an extension of time until April 1, 2005, to process the request.

56. On February 25, 2005, Plaintiff replied that it accepted the need for an extension of time.

57. To date, the Defendant has not denied the request or provided any records responsive to this FOIA request.

(2) USAF ROLE IN SOUTHEAST ASIA/HISTORIES

58. By letter dated January 7, 1988, Plaintiff wrote the Office of Air Force History (OAFH) to request, pursuant to FOIA:

Copies of the following Office of Air Force History studies examining the role of the USAF in Southeast Asia during the 1960s which are listed on pages A-2 and A-3 of United States Air Force History: A Guide to Monographic Literature, 1943-1974, compiled by Jacob Neufeld, Office of Air Force History, Washington, DC, 1977:

1. USAF Plans and Policies in South Vietnam, 1961-1963, Jacob Van Staaveren, 1965.
2. USAF Plans and Policies in South Vietnam and Laos, 1964, Jacob Van Staaveren, 1965.
3. USAF Plans and Operations in Southeast Asia, 1965, Jacob Van Staaveren, 1966.
4. The Air Force in Vietnam: The Search for Military Alternatives, Jacob Van Staaveren, 1969.
5. The Air Force in Southeast Asia: Toward a Bombing Halt, 1968, Jacob Van Staaveren, 1970.

(Archive Request No. 880004AIR004; Air Force FOIA No. 88-0053).

59. On information and belief, OAFH is a component of Defendant.

60. By letter dated February 8, 1988, Defendant requested an extension of time to February 18, 1988.

61. By letter dated March 2, 1988, Defendant made a partial release of the documents listed as numbers one and two, and it requested additional time for the remaining documents.

62. Defendant wrote to Plaintiff on April 19 and June 27, 1994 indicating that it was still processing the request and that the delay was due in part to a backlog.

63. By letter dated November 8, 1994, Defendant advised Plaintiff that it had forwarded the remainder of the request to the FOIA Office for the Center for Air Force History/HOR (CAFH/HOR), and that CAFH/HOR would reply directly to Plaintiff.

64. On information and belief, CAFH/HOR is a component of Defendant.

65. Defendant provided Plaintiff with no further response regarding the January 7, 1988, FOIA request.

66. By letter dated July 23, 2004, Plaintiff refiled its original request with the Air Force Historical Support Office/HOS (AFHSO/HOS) (Archive Request No. 20040861AIR016).

67. On information and belief, AFHSO is the name given to the former CAFH on September 30, 1994; AFHSO is thus a component of Defendant.

68. To date, Defendant has not acknowledged the refiling, denied the request, or completed the production of records responsive to this FOIA request.

(3) CUBAN MISSILE CRISIS HISTORIES

69. By letter dated April 27, 1988, Plaintiff wrote Air Force Systems Command (AFSC) to request, pursuant to FOIA:

The following records, as listed in the card catalog at the Air Force Historical Research Center, Maxwell AFB, Alabama.

1) Cuban Crisis, 1962

Air Force Systems Command

Chronology of the Cuban Crisis, 1 Apr – 21 Nov 1962. Supplement (TS) K243.052-1

2) Cuban Crisis, 1962

Air Force Systems Command

History, Jul – Dec 1962: Cuba and the Systems Command. v. 1, p. 59. K 243.01

3) Air Force Systems Command

History, Apr 1962 – 30 June 1963, v. 3, part 2. (no number listed)

(Archive Request No. 880590AIR016; Air Force FOIA No. 89-0383).

70. On information and belief, AFSC is a component of Defendant.

71. On May 25, 1998, HQ AFSC wrote Plaintiff that item (1) was exempt from disclosure because it was classified in the interest of national defense, item (2) was only partially releasable because parts of it were classified in the interest of national defense, and item (3) did not exist.

72. On July 22, 1988, Plaintiff filed an administrative appeal with the Secretary of the Air Force.

73. On August 26, 1988, HQ AFSC wrote Plaintiff acknowledging the appeal. Defendant indicated that the appeal regarding item (1) was referred to the Air Force Historical Research Center (AFHRC) and item (2) was referred to OSAF. Defendant further stated that once the AFHRC completed its review, it would send it to the Secretary of the Air Force who, in turn, would send Plaintiff a final decision on both records at the same time.

74. On information and belief, AFHRC and OSAF are components of Defendant.

75. On April 26, 1989, OSAF wrote Plaintiff that it needed additional time to process the request.

76. On May 2, 1989, OSAF wrote Plaintiff that it needed additional time to process the request because it had to be sent to several other agencies for review.

77. On May 6, 1991, OSAF informed Plaintiff that it was denying the appeal. Defendant stated that "one of two requested volumes of AFSC history does not exist. The other volume was partially exempt due to the classified nature of its contents." Defendant further stated, "The Air Force Chronology is currently undergoing declassification review at the Office of the Air Force History, but due to its multiple source classification, completion of this review is not anticipated in the foreseeable future. Until such time as the declassification process is completed, we regard this matter as closed."

78. On April 19, 1994 and June 27, 1994, OSAF wrote Plaintiff that it needed additional time to process the request.

79. On November 8, 1994, 11 MSS/MSIS wrote Plaintiff that it was forwarding the request to CAFH/HOR and that it would respond directly to Plaintiff.

80. On July 26, 2004, Plaintiff refiled its original request with AFHSO/HOS. (Archive Request No. 20040866AIR019).

81. To date, Defendant has not acknowledged the refiling, denied the request, or produced records responsive to this FOIA request.

(4) HISTORIES OF DIRECTORATE OF PLANS AND OPS 1962

82. By letter dated March 2, 1989, Plaintiff wrote SAF/AADADF to request, pursuant to FOIA, the following documents:

Histories for the Directorate of Plans, Deputy Chief of Staff, Plans and Operations, for January - June, 1962, and July - December, 1962.
Enclosed is the cover page from a History of the Directorate of Plans for July - December 1961.

(Archive Request No. 890071AIR004; Air Force FOIA No. 89-0272).

83. On information and belief, SAF/AADADF is a component of Defendant.

84. On March 24 and April 3, 1989, Defendant wrote Plaintiff that it needed additional time to complete review of the request.

85. On April 19, 1994, Defendant wrote Plaintiff that the request was delayed due to a backlog at CAFH.

86. On June 27, 1994, Defendant wrote Plaintiff that it was still processing the request.

87. By letter dated November 8, 1994, 11 MSS/MSIS acknowledged the request and indicated that it forwarded the request to CAFH/HOR.

88. Defendant did not deny the request or provide any records responsive to Plaintiff's March 2, 1989, FOIA request.

89. Plaintiff refiled its original request on July 27, 2004, with AFHSO/HOS (Archive Request No. 20040871AIR021).

90. To date, Defendant has not acknowledged the refiling, denied the request, or provided any records responsive to the FOIA request.

(5) BERLIN CRISIS MATERIALS

91. By letter dated October 6, 1989, Plaintiff wrote SAF/AADADF, to request, pursuant to FOIA:

Any material on Berlin, Berlin crisis, Berlin military contingency planning, European defenses, or NATO in "History of the Directorate of Plans," Deputy Chief of Staff, Plans and Programs, HQ USAF, volumes 9 through 21 (January 1955 through June 1961).

(Archive Request No. 890492AIR016; Air Force FOIA No. 89-1121).

92. On October 24 and November 13, 1989, Defendant wrote Plaintiff that it needed additional time to complete review of the request.

93. On April 19, 1994, Defendant wrote Plaintiff that the request was delayed due to a backlog at CFAH.

94. On June 27, 1994, Defendant wrote Plaintiff that it was still processing the request.

95. By letter dated November 8, 1994, Defendant wrote Plaintiff that it forwarded the request to CAFH/HOR.

96. Defendant did not deny the request or provide any records responsive to Plaintiff's October 6, 1989, FOIA request.

97. Plaintiff refiled its original request on July 28, 2004, with AFHSO/HOS (Archive Request No. 20040874AIR022).

98. To date, Defendant has not acknowledged the refiling, denied the request, or provided any records responsive to this FOIA request.

(6) BERLIN: 1959

99. By letter dated January 2, 1990, Plaintiff wrote Defendant SAF/AADAF to request, pursuant to FOIA:

Documents on Germany and Berlin crisis checked and highlighted on the enclosed manifest of 1959 records of Headquarters, USAF, DCS/Plans-Programs, Accession 63-A1609, Federal Records Center, Suitland, Maryland.

(Archive Request No. 900002AIR001; Air Force FOIA No. 90-0019).

100. On January 24, 1990, Defendant wrote Plaintiff that it needed additional time to process the request and that it expected to respond by February 5, 1990.

101. By letter dated February 6, 1990, Defendant wrote Plaintiff that it could not “meet the time limits imposed by the [FOIA],” but that it was “processing [the] request as quickly as possible.”

102. By letter dated October 8, 1993, Plaintiff wrote Defendant that it was “narrowing [] down considerably” its original request. Plaintiff included with this letter a list of the records in which it was still interested.

103. On May 20, 2004, Defendant SAF/GCA wrote Plaintiff that it was processing the request.

104. On information and belief, SAF/GCA is a component of Defendant.

105. Plaintiff refiled its original request on July 28, 2004 with 11 CS/SCSR, (Archive Request No. 20040877AIR025; Air Force FOIA No. 04-1023).

106. 11 CS/SCS acknowledged Plaintiff's refiling on August 13, 2004, and stated "Every effort will be made to respond in twenty business days. If we should need additional time, you will be notified in writing."

107. To date, Defendant has neither denied the request nor provided Plaintiff with the records requested.

(7) BERLIN: 1958

108. By letter dated January 3, 1990, Plaintiff wrote Defendant SAF/AADADF to request, pursuant to FOIA:

Memoranda, cables, briefing papers, or other records concerning Air Force participation in Berlin crisis contingency planning, November – December, 1958. Please include in your search any material held in the records of the DCS/Plans and Operations, Directorate of Plans.

(Archive Request No. 900003AIR002; Air Force FOIA No. 90-0016).

109. By letter dated January 22, 1990, Defendant wrote Plaintiff that it was unable to process the request because it was insufficiently specific. Defendant requested references to specific documents.

110. By letter dated March 6, 1990, Plaintiff provided SAF/AADADF with additional, specific information.

111. On March 30, 1990, Defendant wrote Plaintiff that it was unable to meet the FOIA statutory time limits.

112. On November 19, 1990, Plaintiff inquired as to the status of the request.

113. On April 19, 1994, Defendant SAF/AAIS wrote Plaintiff that it was still processing the request.

114. On November 30, 1994, Defendant MSS/MSIS wrote Plaintiff that it required more time to process the request.

115. Defendant did not provide any further acknowledgment or records in response to Plaintiff's original January 3, 1990, request or March 6, 1990, clarification.

116. Plaintiff refiled its clarified request by letter dated July 28, 2004, with Defendant 11 CS/SCSR (Archive Request No. 20040876AIR024; Air Force FOIA No. 04-1026).

117. Defendant 11 CS/SCS acknowledged Plaintiff's refiling on August 13, 2004.

118. By letter dated October 29, 2004, 11 CS/SCS wrote Plaintiff that it required additional time.

119. By letter dated January 4, 2005, Defendant 11 CS/SCS wrote Plaintiff that, "Our office still needs additional time to properly process your request. Please be assured that we are processing your request as quickly as possible[.]"

120. To date, Defendant has not denied the request or provided Plaintiff with the records requested.

(8) BERLIN: 1960

121. By letter dated March 7, 1990, Plaintiff wrote Defendant SAF/AADADF to request, pursuant to FOIA:

Documents on Germany and Berlin Crisis checked and highlighted on the enclosed manifest of 1960 records of Headquarters, USAF, DCS/Plans-Programs, Accession 64-A2070, Federal Records Center, Suitland, Maryland.

(Archive Request No. 900140AIR005; Air Force FOIA No. 90-0298, 93-732).

122. On March 28, 1990, Defendant acknowledged receipt of the request and indicated that it needed an extension of time to process the request.

123. On April 12, 1990, Defendant indicated that it needed additional time to process the request.

124. By letter dated April 19, 1994, SAF/AAIS acknowledged receipt of the request, and stated, "The records had to be ordered from the Records Center. When we received them there were several Air Force activities that needed to review them regarding releasability. Air Force Intelligence currently have [sic] the file for review. When their action is complete we will notify you of the current disposition."

125. On information and belief, SAF/AAIS is a component of Defendant.

126. Defendant did not provide Plaintiff with any further information regarding its original request.

127. By letter dated July 28, 2004 Plaintiff refiled its original request with 11 CS/SCSR (Archive Request No. 20040875AIR023; Air Force FOIA No. 04-0967).

128. By letter dated August 4, 2004, 11 CS/SCS acknowledged receipt of the July 28, 2004, refiling.

129. On information and belief, 11 CS/SCS is a component of Defendant.

130. By letter dated September 7, 2004, 11 CS/SCS wrote Plaintiff, "We are still waiting for a response from our action office; therefore, additional time will be needed to properly process your request."

131. On October 19, 2004, 11 CS/SCS wrote Plaintiff, "The Directorate of Intelligence Analysis reviewed your request and confirmed the information you are requesting is maintained at the National Archives They will provide you with a response."

132. To date, Defendant has neither denied the request nor provided Plaintiff with records responsive to this FOIA request.

(9) AIR FORCE HISTORY STUDIES ON LAOS

133. By letter dated on or about April 30, 1990 or May 16, 1990, Plaintiff wrote Strategic Air Force/AAIA (SAF/AAIA) to request, pursuant to FOIA, the following three studies: (1) "Interdiction in Southern Laos 1960-1968," by Jacob Van Staaveren; (2) "The Advisory Years to 1965," by Robert Futrell; and (3) "The War in Northern Laos," by Major Victor B. Anthony. (Archive Request No. 900215AIR008; Air Force FOIA No. 90-0576).

134. On information and belief, SAF/AAIA is a component of Defendant.

135. On June 4, 1990, Defendant acknowledged receipt of the request and indicated it needed additional time to process it.

136. On June 26, 1990, Defendant wrote Plaintiff that it needed additional time to consult with another USAF component.

137. On June 8, 1993, SAF/AAIS inquired of Plaintiff whether it was still interested in its request "[a]s a result of the number of years that have lapsed since you originally filed your request."

138. On information and belief, SAF/AAIS is a component of Defendant.

139. On June 15, 1993, Plaintiff confirmed that it remained interested in the request.

140. On April 18, 1994, Defendant SAF/AAIS wrote Plaintiff that it required more time to process the request because of a backlog of requests at CAFH.

141. By letter dated November 7, 1994, 11 MSS/MSIS acknowledged Plaintiff's April 30, 1990, request and indicated that it forwarded the request to CAFH/HOR.

142. Defendant did not provide any records or further information in response to Plaintiff's original April 30, 1990 request.

143. Plaintiff refiled its original request on July 30, 2004, with AFHSO/HOS (Archive Request No. 20040879AIR026).

144. To date, Defendant has not acknowledged the refiling, has not denied the request and has not provided any records responsive to this FOIA request.

(10) DOD HISTORIES OF STRATEGIC ARMS COMPETITION

145. By letter dated July 16, 1991, Plaintiff wrote OASD, a component of the Department of Defense (DOD), to request, pursuant to FOIA, the following documents, "Copies of the Department of Defense histories highlighted on the attached page." (Archive Request No. 919428DOD056; Air Force FOIA No. 91-0901, 91-1319).

146. On July 26, 1991, the DOD acknowledged receipt of the request.

147. On July 31, 1991, the Assistant Secretary of Defense, Public Affairs referred two of the requested documents to Defendant.

148. On August 15, 1991, Defendant wrote Plaintiff that it would be unable to complete the request by the statutory deadline and indicated that it expected to respond by August 29, 1991.

149. Defendant did not communicate with Plaintiff again until April 19, 1994, when SAF/AAIS advised Plaintiff, "The Center for Air Force History has your request for processing and they have a backlog of requests."

150. By letter dated August 5, 2004, Plaintiff refiled its original request with AFHSO/HOS (Archive Request No. 20040902AIR028).

151. To date, Defendant has not acknowledged Plaintiff's August 5, 2004, refiling, has not denied the request, and has not provided any responsive records or additional information on this FOIA request.

(11) CARIBBEAN CONTINGENCY

152. By letter dated October 31, 1991, Plaintiff wrote HQ Tactical Air Command/IMD (TAC/IMD) to request, pursuant to FOIA, "Contingency Reference Book: Caribbean Islands," dated December 1983 (Archive Request No. 910857AIR011; Air Force FOIA No. 91-297).

153. On information and belief, TAC/IMD is a component of Defendant.

154. On November 7, 1991, HQ TAC wrote Plaintiff that it had transferred the request to 1 MSSQ/MSIDF.

155. On information and belief, 1 MSSQ/MSIDF is a component of Defendant.

156. On November 15, 1991, Defendant informed Plaintiff that the document requested was no longer in print and no copies could be located.

157. On or about November 26, 1991, MSS/MSI notified Plaintiff that its review uncovered no records.

158. On information and belief, MSS/MSI is a component of Defendant.

159. By letter dated November 26, 1991, Plaintiff appealed the "no records" determination (Air Force Appeal No. A-NAIC-96-47).

160. On December 18, 1991, HQ TAC responded to the appeal. It indicated that it located the document requested but that it needed more time to review the document.

161. Defendant Headquarters Air Combat Command/IMD (ACC/IMD) wrote twenty-one letters from January 2, 1992, to November 17, 1994, all indicating that it was continuing to process the request.

162. By letter dated July 31, 1995, HQ ACC/IMD wrote Plaintiff that the request had been forwarded to NAIC/MSI.

163. On information and belief, ACC/IMD is a component of Defendant.

164. By letter dated May 17, 1996, NAIC/SCVMS wrote Plaintiff that, "A second search for the requested records was conducted and one document was located. We are currently reviewing the document to determine if it can be released in whole or in part."

165. On information and belief, NAIC/SCVMS is a component of Defendant.

166. Defendant did not communicate with Plaintiff regarding this request for over four years.

167. By letter dated July 30, 2004, Plaintiff refiled its original request with AIA/DDQI and HQ ACC/SCXP (Archive Request No. 20040880AIR027; Air Force FOIA No. 2004-267).

168. On information and belief, AIA/DDQI and ACC/SCXP are components of Defendant.

169. By letter dated August 5, 2004, HQ ACC/SCXP wrote Plaintiff that the original request was still open. It further stated, "We faxed NAIC your follow-up request, along with the background documentation you provided. They will work with you to close this case."

170. By letter dated August 6, 2004, HQ AIA/DOQI wrote Plaintiff that it forwarded the request to NASIC/SCV.

171. On information and belief, AIA/DOQI and NASIC/SCV are components of Defendant.

172. To date, Defendant has neither denied the request nor provided any documents in response to this FOIA request.

(12) USAF BALLISTIC MISSILE PROGRAMS

173. By letter dated February 27, 1992, Plaintiff wrote SAF/AAIA to request, pursuant to FOIA, the following documents: "USAF Ballistic Missile Programs," by Bernard Nalty, dated September 1969; "The Interaction Process and Its Influence on Major Soviet Arms Decisions,"

by T.W. Wolfe and Fritz Ermath, dated August 1973; and "History of the GAM-87 SKYBOLT Air-to-Surface Ballistic Missile," by Charles G. Worman, dated March 1967. (Archive Request No. 920194AIR003; Air Force Request No. 92-0336, 94231).

174. On March 16, and April 7, 1992, Defendant indicated it would need an extension of the FOIA time limits in order to process the request.

175. On April 29, 1992, HQ BMO/IMDF acknowledged its receipt of the request.

176. On information and belief, BMO/IMDF is a component of Defendant.

177. On May 19, 1992, Defendant Headquarters Aeronautical Systems Division (HQ ASD) acknowledged receipt of a portion of the request and indicated that it needed additional time to process that portion of the request.

178. On information and belief, ASD is a component of Defendant.

179. On May 27, 1992, Defendant wrote Plaintiff that it needed additional time to process the request and indicated that the request was also forwarded to AF District of Washington/IMD (AFDW/IMD).

180. On information and belief, AFDW/IMD is a component of Defendant.

181. On June 23, 1992, AFDW/IMD released portions of a document.

182. On July 2, 1992, Plaintiff appealed the excisions from the document released by AFDW/IMD.

183. On April 18, 1994, Defendant SAF/AAIS wrote Plaintiff that it needed more time to process the request due to a backlog of requests at CAFH.

184. On July 26, 1994, Plaintiff supplemented the appeal and inquired as to its status.

185. On October 12, 1994, 11 MSS/MSIF re-released portions of the document being considered on appeal and indicated that it needed more time to complete its review of the appeal.

186. On October 25, 1994, Air Force Legal Services Agency (AFLSA/JACL) acknowledged receipt of the appeal and explained that it was treating the appeal as if it arrived in August 1992.

187. On information and belief, AFLSA/JACL is a component of Defendant.

188. By letter dated November 7, 1994, 11 MSS/MSIS informed Plaintiff that it forwarded the request to CAFH/HOR.

189. On December 18, 1997, over five years after it was filed, SAF/GCA granted the appeal in part.

190. On January 24, 2001, Plaintiff inquired as to the status of the remainder of its request.

191. Defendant did not respond to Plaintiff's inquiry.

192. Plaintiff refiled its original request, less the document previously produced, with AFHSO/HOS on August 5, 2004 (Archive Request No. 20040903AIR029).

193. To date, Defendant has neither acknowledged Plaintiff's August 5, 2004, refiling has not denied the request, and has not provided any responsive records or additional information on this FOIA request.

(13) MISSILE VULNERABILITY STUDIES

194. On April 30, 1992, Plaintiff wrote Defendant SAF/AAIA to request, pursuant to FOIA:

Copies of documents highlighted on the enclosed 135 form for records of the USAF/Directorate of Operations, Accession 70A-6334, Record Group 341, Federal Records Center, Suitland, Maryland.

A number of documents were highlighted on the enclosed form. (Archive Request No. 920506AIR006; Air Force FOIA No. 92-0654, 93-038).

195. On May 19 and June 3, 1992, Defendant wrote Plaintiff that it needed additional time to process the request.

196. On April 12, 1993, Defendant HQ AFDW/IMD acknowledged receipt of the request and indicated it needed additional time to process the request.

197. On April 13, 1993, Defendant HQ AFDW/IMD released one document.

198. On December 2, 1994, and May 15, 1995, Defendant 11 MSS/MSIS indicated that it needed additional time to review the request.

199. After seven years of silence on this request, on September 23, 2002, 11 CS/SCS wrote Plaintiff, "As a result of the number of years that have lapsed since you originally filed your request, we would like to know is [sic] you still interested in obtaining the document you requested."

200. On October 7, 2002, Plaintiff reiterated its continued interest in obtaining the documents and narrowed its original request as follows:

A. Box 23, file RL (65Z) 48 Military operations (1 Jan. 65-): letter from Asst. Vice Chief of Staff to SAF, 5 Nov. 1965, "Required Warning for Forces in Europe," with attachments.

B. Box 23, file RL (65) 49 Missile Program (1 Jan. 65-): letter from AFXPDGA to AFXPD, 3 Sept. 1965, "Strategic Missile Force Vulnerability."

C. Box 32, file RG (65) 72 Strategy (Gneral [sic] & Limited War) (1 Jan. 65-):

1. JCS 2280/38-2, 21 Dec. 1965

2. Brief on JCS 2280/39, 11 Feb. 1965

3. Memo for C/S, "A Worldwide Integral National Strategy for 1970," 6 April 1965.

4. Supp. Brief, 21 Dec. 65 and Brief, 18 Dec. 1965, on CSAM-530-65, JCS 229/41.

5. Doc. By XPD, "Golden Arrow Study," 1 Mar. 65.

6. "Golden Arrow...An Analysis of the Vulnerability," 1 Mar. [1]965, Vol. 1 only.

7. Doc., 8 Feb. 65, "A World Wide Integral National Strategy for 1970."

201. Defendant never acknowledged Plaintiff's narrowed request.

202. On August 27, 2004, Plaintiff refiled its modified request with 11 CS/SCSR (Archive Request No. 20040975AIR055; Air Force FOIA No. 04-1094).

203. On August 31, 2004, 11 CS/SCS acknowledged receipt of the refiling.

204. To date, Defendant has not acknowledged Plaintiff's refiling, has not denied the request, and has not provided any responsive records or additional information on this FOIA request.

(14) 1966 - 1968 OPS DIRECTORATE RECORDS

205. On June 29, 1992, Plaintiff wrote Defendant SAF/AAIA to request, pursuant to FOIA, the:

Copies of the following records contained in Air Force Directorate of Operations files held at the Federal Records Center, Suitland, Maryland:

A. Accession 71A2108, box 30. folder: RL (66) 72 Strategy (General and Limited War):

- 1) Briefing on Project Great Circle II, 3/19/66
- 2) Briefing on Project Great Circle II, Addendum, 4/23/66

B. Accession [sic] 72A5292:

1. Box 6:

- a. Contents of folder RG (68) 38-9, Vietnam (1 July 68 -)
- b. Contents of folder RL (68) 38-9 (1 Jan 68 – 30 Jun 68)

2. Box 9:

- a. Folder RL (68) 70 Speeches (1 Jan 68 -)
 - i. Briefing by Major General Wilson, 9/24/68
 - ii. Briefing by Major General Wilson, 2/68
 - iii. Briefing by Major General Ellis to P & O Conference, n.d.
- b. Folder RL (68) 58 USAF Wartime Plans (1 Jan 68 -)
 1. AFXPDWCI ltetter [sic], 9/6/68, with draft
 2. AFXPDWCI letter, 4/1/68, with draft:

(Archive Request No. 920716AIR012; Air Force FOIA No. 92-0965)

206. On July 16 and 30, 1992, Defendant wrote Plaintiff that it needed more time to review the request.

207. On April 14, 1994, Defendant SAF/AAIS wrote Plaintiff that it forwarded the request to another, unspecified agency for review.

208. On September 25, 2002, 11 CS/SCS wrote Plaintiff that, "After reviewing the documents you request[] we found we cannot make a release determination. Therefore, we have

forwarded your request and the documents to the Air Force Space Command/ACMI They will reply directly to you.”

209. On October 3, 2002, Plaintiff narrowed the request.

210. On November 8, 2002, 11 CS/SCS wrote to Plaintiff: “As a result of the number of years that have lapsed since you originally filed your request, we would like to know is [sic] you still interested in obtaining the document you requested.”

211. Plaintiff responded on November 18, 2004, stating, “I remain interested in [the] request except for the material listed in section 1 (box 6) of Part B. Please exclude that material from any further search or review.”

212. Defendant did not deny the request or provide any documents responsive to it.

213. On September 1, 2004 Plaintiff refiled its original request with 11 CS/SCSR (Archive Request No. 20040993AIR060; Air Force FOIA No. 04-1117).

214. On February 16, 2005, 11 CS/SCS wrote Plaintiff that, “We are still waiting for a response from our action office; therefore, additional time will be needed to properly process your request. We will provide you with updates regarding the status of your case when information is received.”

215. To date, Defendant has not denied the request or provided any responsive records or additional information on this FOIA request.

(15) 1968-1970 OPS DIRECTORATE RECORDS

216. On July 16, 1992, Plaintiff wrote SAF/AAIA to request, pursuant to FOIA, the
Copies of the following records contained in Air Force Directorate of Operations files held at the Federal Records Center, Suitland, Maryland:

1. Accession 341-75-857,
- I. folder RL (70) Speeches (1 Jan. 70-)
 1. Presentation re: U.S. Strategic Arms Limitation Talks, n.d.
 2. Air Force presentation, 10/30/70

- II. Contents of two folders: RL (70) 38-9-6 Vietnam Corona Harvest
 - 2. Accession 341-75-860
 - I. Folder RL (69) 38-91 Vietnam (FW) (1 Jan 65-31 March 68):
 - 1. Project Corona Harvest, National Strategy and Employment of Air Power in South East Asia, Volumes 1-4.

(Archive Request No. 920755AIR014; Air Force FOIA No. 92-1038)

217. On August 3 and 18, 1992, Defendant wrote Plaintiff that it needed additional time to process the request.

218. On April 19, 1994, SAF/AAIS wrote Plaintiff that it forwarded the request to another, unspecified agency for review.

219. On March 14, 1995, 11 MSS/IMS wrote Plaintiff that it forwarded the request to several agencies for review.

220. On information and belief, 11 MSS/IMS is a component of Defendant.

221. By letter dated May 15, 1995, 11 MSS/IMS wrote, "The status remains the same, we forwarded your request and the records you requested to several government activities for their review and comments concerning releasability and the file still has to be reviewed by several more before completion."

222. Defendant did not grant or deny the request or provide Plaintiff with any further information regarding its original request for the next nine years.

223. On August 27, 2004, Plaintiff refiled its original request with 11 CS/SCSR (Archive Request No. 20040977AIR057; Air Force FOIA No. 04-1095).

224. On August 31, 2004, 11 CS/SCS acknowledged receipt of Plaintiff's refiled.

225. On October 29, 2004 and January 4, 2005, 11 CS/SCS wrote Plaintiff that it was still processing the request and was delayed by the need to have other agencies also review it.

226. To date, Defendant has neither released any documents responsive to Plaintiff's FOIA request nor denied the request.

(16) 1969 OPS DIRECTORATE RECORDS

227. On August 14, 1992, Plaintiff wrote SAF/AAIA to request, pursuant to FOIA, the following documents:

Copies of the following records contained in accession [sic] 341-75-855, papers of the Air Force Directorate of Operations, held at the Federal Records Center, Suitland, Maryland. All of the documents requested are in section #1 of the accession:

- I. Contents of file RL (69) Disarmament (1 Jan 69 -)
- II. File: RL (69) National Security Program (1 Jan. 69):
 1. AFXPFS letter, 8/21/69
 2. Deputy Chief of Staff letter, 5/29/59
 3. Memo for Deputy Secretary of Defense, 4/8/69
- III. Contents of file RL (69) 72 Strategy (1 Jan. 69)

(Archive Request No. 920916AIR020; Air Force FOIA No. 92-1198).

228. Defendant informed Plaintiff that it needed more time to process the request in three letters dated September 3 and 16, 1992, and April 15, 1994.

229. On February 12, 1998, 11 CS/SCSR released to Plaintiff some of the records requested. As to another document, 11 CS/SCSR wrote, "At the present time, we are still consulting with other agencies to determine if the remaining document you requested are [sic] releasable."

230. On September 20, 2002, 11 CS/SCS wrote, "As a result of the number of years that have lapsed since you originally filed your request, we would like to know is [sic] you are still interested in obtaining the document you requested."

231. On October 17, 2002, Plaintiff responded, "I remain interested in part of [the] request. Let's drop part I and focus on parts II and III instead."

232. Defendant did not deny the request or provide Plaintiff with any further information regarding its original request.

233. On August 31, 2004, Plaintiff refiled its original request with 11 CS/SCSR (Archive Request No. 20040990AIR058).

234. To date, Defendant has neither acknowledged Plaintiff's August 31, 2004, refiling nor provided Plaintiff with any further information regarding this FOIA request.

(17) BALLISTIC MISSILE PROGRAMS 1958-1959

235. On October 22, 1992, Plaintiff wrote Defendant SAF/AAIS to request, pursuant to FOIA, the following documents:

Copies of the following studies:

1. Bernard C. McNulty, "USAF Ballistic Missile Programs, 1962-1964," April 1966
2. U.S. Air Force, Historical Division Liaison Office, "USAF Ballistic Missile Program, 1964-1967," March 1967
3. George F. Lemmer, "The Air Force and Strategic Deterrence, 1951-1960," December 1967

(Archive Request No. 921123AIR027; Air Force FOIA No. 92-1501).

236. On November 13 and 30, 1992, Defendant wrote Plaintiff that it needed additional time to process the request.

237. On April 18, 1994, SAF/AAIS wrote Plaintiff that it needed additional time to process the request due to a backlog at CAFH.

238. On November 7, 1994, 11 MSS/MSIS wrote Plaintiff that, "we forwarded your case file to the Center for Air Force History/HOR They will reply directly to you."

239. Plaintiff inquired as to the status of the request on September 19 and October 17, 1995.

240. On November 2, 1995, Plaintiff appealed AFHSO's inaction on the request.

241. On January 22, 1996, Plaintiff wrote to inquire whether Defendant had received the appeal.

242. Defendant never replied.

243. Plaintiff sent five letters from November 8, 1996, to March 30, 1997, inquiring as to the status of the request.

244. On September 8, 1997, AFHSO/HOS wrote Plaintiff that it was still reviewing the documents requested.

245. On January 24, 2001, Plaintiff again inquired as to the status of the request.

246. Defendant did not provide Plaintiff with any further information regarding its original request.

247. On September 1, 2004, Plaintiff refiled its original request with AFHSO/HOS (Archive Request No. 20040992AIR059).

248. To date, Defendant has not acknowledged Plaintiff's September 1, 2004, refiling, has not denied the request, and has not provided any responsive records or additional information on this FOIA request.

(18) NUEFELD REPORT ON MISSILE PROGRAMS

249. On October 29, 1992, Plaintiff wrote SAF/AAIS to request, pursuant to FOIA, "USAF Ballistic Missile Programs, 1969-1970," written by Jacob Neufeld and published in 1971 (Archive Request No. 921135AIR028; Air Force FOIA No. 92-1551).

250. On November 18, 1992, Defendant wrote Plaintiff that it needed additional time to complete review of the request and that it anticipated responding by December 3, 1992.

251. On April 18, 1994, Defendant wrote Plaintiff that the request was delayed due to a backlog at CFAH.

252. On November 7, 1994, 11 MSS/MSIS acknowledged receipt of Plaintiff's request and noted that it forwarded the request to CAFH/HOR.

253. Defendant did not provide Plaintiff with any further information regarding its original request for the next ten years.

254. On August 27, 2004, Plaintiff refiled its original request with the AFHSO/HOS (Archive Request No. 20040976AIR056).

255. To date, Defendant has neither acknowledged Plaintiff's August 27, 2004, refiling nor provided Plaintiff with any records responsive to this FOIA request.

(19) RAND AND ANALYTIC SERVICES REPORTS

256. On February 2 1993, Plaintiff wrote SAF/AAIS, to request, pursuant to FOIA, the following documents:

1. RAND Corporation, "The U.S. ICBM Force: Current Issues and Future Options," by C.H. Builder, D.C. Kephart, and A. Laupa, October 1975, R-1754-PR
2. RAND Corporation, "The MIRV System and Some of Its Implications," by J.J. Mate, May 1969, R-466-PR
3. Analytic Services Inc., "Basis for Improving ICBM Force Effectiveness," ANSER-SDN-75-2
4. Analytic Services, Inc., "Mixes of U.S. Strategic Offense Force to Provide Force Survivors and Assured Destruction Capabilities," by J. W. Seelig, et al., December 1968, ANSER-68-6

(Archive Request No. 930101AIR001; Air Force FOIA No. 93-0814).

257. On February 25, 1993, OSAF wrote Plaintiff to acknowledge the request and stated that they needed an extension of time until March 10, 1993.

258. On March 10, 1993, OSAF wrote Plaintiff that it needed additional time to process the request.

259. On April 16, 1993, OSAF released documents three and four, with excisions, to Plaintiff, and stated that documents one and two were being collected from another location, but that they couldn't give an anticipated completion date.

260. On November 1, 1993, HQ AFDW IMQD wrote Plaintiff that it needed an extension of time so that it could consult with another Air Force activity, but indicated a response would occur by November 22, 1993.

261. On September 16, 1999, 11 CS/SCSR released documents one and two, with excisions, to Plaintiff stating portions of them were exempt from disclosure. Defendant stated that two other agencies, the Defense Special Weapons Agency and the Department of Energy, were also withholding portions of the documents.

262. On October 11, 1999, Plaintiff filed an administrative appeal with OSAF.

263. To date, Defendant has not responded to Plaintiff's appeal.

(20) AIR FORCE SECURITY SERVICE HISTORIES

264. On February 16 1993, Plaintiff wrote Defendant SAF/AAIS to request, pursuant to FOIA, the following documents:

Copies of the following histories prepared by the U.S. Air Force Security Service:

1. The Production and Use of Special Intelligence During World Contingencies, 1950-1970, by Kenneth Rogers, published 1972
3. [sic] Organizational Trends and the Impact of Austerity on USAFSS, 1948-1971

(Archive Request No. 930133AIR004; Air Force FOIA No. 93-014)

265. Defendant HQ AFIC/IMI wrote Plaintiff ten letters between March 11 and December 20, 1993, indicating that it needed additional time to process the request.

266. Between September 23, 1994, and October 12, 1995, Defendant HQ AIA/IMQ wrote six letters to Plaintiff, indicating that it was still processing the request.

267. Defendant HQ AIA/SCXI wrote Plaintiff three letters from April 19 to October 18, 1996, indicating that it was still processing the request.

268. On January 22, 1997, Defendant HQ AIA/DOMP wrote Plaintiff that it needed additional time to process the request.

269. On December 28, 1998, AIA/DOOI wrote Plaintiff, that it needed additional time to process the request.

270. Defendant did not provide Plaintiff with any further information on the status of its original request for the next five years.

271. On August 23, 2004, Plaintiff refiled its original request with AIA/DOQI (Archive Request No. 20040959AIR052).

272. On August 26, 2004, Defendant acknowledged receipt of the August 23, 2004, refiling. It wrote, "the documents you [sic] requested have not been completed and are still under review. We were advised that portions of the documents are in review, but due to the large volume of request [sic], they could not provide an anticipated release date. I will send a follow-up letter in 30 days."

273. Defendant did not send a follow-up letter.

274. To date, Defendant has neither provided any records responsive to this FOIA request nor denied the request.

(21) BALLISTIC MISSILES: 1958-1959

275. On July 28, 1993, Plaintiff wrote Defendant SAF/AAIA to request, pursuant to FOIA, "a [c]opy of Max Rosenberg's history, USAF Ballistic Missiles, 1958-1959, published by USAF Historical Division Liaison Office, 1960." (Archive Request No. 930621AIR018; Air Force FOIA No. 93-1037).

276. On August 13 and 27, 1993, and April 19, 1994, SAF/AAIS wrote Plaintiff that it needed additional time to process the request.

277. On November 8, 1994, Defendant 11 MSS/MSIS advised Plaintiff that it forwarded the request to CAFH/HOR.

278. Defendant did not provide any further information about this request.

279. On August 23, 2004, Plaintiff refiled its original request with Defendant AFHSO/HOS (Archive Request No. 20040956AIR051).

280. To date, Defendant has not acknowledged Plaintiff's refiled, has not denied the request, and has not provided any responsive records or additional information on this FOIA request.

(22) VARIOUS 1958 BRIEFINGS AND PRESENTATIONS

281. On December 1, 1993, Plaintiff wrote Defendant SAF/AAIA to request, pursuant to FOIA, the following documents:

Copies of the following documents from Accession 62-A-1451, Record Group 241, held at Federal Records Center, Suitland:

- A. Copies of "Summaries of Actions Taken by the JCS" found in Box 23, file: Annex to OPS 29-10-2 (Meetings – Summary of Actions (26 August -) Sec. 4, for the following meetings:
 - a. 1000 Wed. 19 Nov. 58
 - b. 1000 Fri. 21 Nov. 58
 - c. Wed. 26 Nov. 58
 - d. 1330 Tues. 2 Dec. 58
 - e. 1000 Fri. 5 Dec. 58
 - f. 1000 Wed. 10 Dec. 58
 - g. 1000 17 Dec. 58
 - h. 1000 Fri. 19 Dec. 58
 - i. 2000 Wed. 31 Dec. 58
- B. Box 36:
 - I. File: OPS 40 (Speeches, Briefings, Presentations) (1 Jan. 58 – 28 Feb. 58) Sec. 1:
 - 1. Presentation by Gen. Everest to Air War College, "An Air Force Concept for an Optimum Military Strategy," 2/12/58
 - II. File: OPS 40 (Speeches, Briefings, Presentations) (16 May 58 – 5 Sept. 58) Sec. 3:
 - 1. Speech, PRBTOGOU SAFATQ6103021J1958MRARFY60-62, n.d.
 - 2. Memo for Director of Plans, DCS/P, "USAF Capability to Fight a General War," 6/30/58
 - 3. AFCIN Estimate Presented to the Force Estimates Board, 8/4/61 [sic], 43 pp.
 - III. File: OPS 40 (Speeches, Briefings, Presentations) (6 Sep. 58 – 12 Dec. 58) Sec. 4:
 - 1. Memo for General Martin, "Briefing to Net Evaluation Subcommittee," 12/2/58

(Archive No. 931064AIR049; Air Force FOIA Nos. 93-1753, 93-1849, I-NCAIC-97-067, and 9350.3).

282. On December 7, 1993, SAF/AAIS wrote Plaintiff that the Record Group Number (RGN) listed in the request was not in USAF records. SAI/AAIS requested that Plaintiff check the RGN and redirect its request to the appropriate agency.

283. On December 14, 1993, Plaintiff wrote Defendant to clarify its original request, stating, "In my original request, I indicated the wrong record group number. Instead of record group 241, I ought to have typed in 341, which relates to Air Force records."

284. On April 15, 1994, SAF/AAIS wrote Plaintiff that it needed more time to process the request.

285. On January 4, 1996, Defendant 11 MSS/IMS wrote Plaintiff that its request had been forwarded to three other offices: (1) U.S. Strategic Command, (2) NAIC/MSIQ-1, and (3) the Office of the Assistant to the Secretary of Defense. Attached to the letter was one record.

286. On February 1, 1996, HQ USSTRATCOM/JO 734 wrote Plaintiff that it returned the request to 11 MSS/IMS.

287. On October 7, 1998, Defendant NAIC/CC released one document.

288. On August 23, 2004, Plaintiff refiled its original request with Defendant 11 CS/SCSR (Archive Request No. 20040960AIR053; Air Force FOIA No. 04-1073).

289. On August 25, 2004, 11 CS/SCS wrote Plaintiff acknowledging its August 23, 2004, refiling.

290. To date, Defendant has neither denied this FOIA request nor provided all documents requested in it.

(23) VARIOUS 1959 BRIEFINGS AND PRESENTATIONS

291. On December 2, 1993, Plaintiff wrote Defendant SAF/AAIA to request, pursuant to FOIA, the following documents:

Copies of the following documents from Accession 63-A-1609, Record Group 241, held at Federal Records Center, Suitland

- I. Copies of following documents in Box 23, file: RL (59) 258 JCS Meetings (Summaries of Actions) Sec. 1 (1 Jan. 59 – 14 May 59)
 - a. Memo, 1/5/59 to SAFS and enclosure
 - b. Summary of Actions, 1/13/59
 - c. Memo for SAF, 1/14/59, and enclosure
 - d. Memo by Wheless, 1/16/59
 - e. Memo to SAF, 1/20/59 and enclosure
 - f. Summary of Action, 1/20/59
 - g. Memo to SAFS, 1/28/59 and enclosure
 - h. Summary of Actions, 1/27/59
 - i. Memo to SAFS, 2/2/59 and enclosure
- II. Box 35, file: RL (59) 317 ICBM (22 Aug. 59 -) Sec.3:
 1. Donnelly letter to AFCCS, 12/19/59, with enclosures
- III. Box 36:
 2. File RL (59) 40B Speeches (Briefings & Presentations) Sec. 1 (1 Jan. 59 – 28 Feb. 59)
 - i. Air Council presentation, 1/22/59, "SATTUS 59-63" L
 - ii. Doc. Presentation, "TUSAFRNAFOOTAFPAOBCDOSF59," 2/2/59
 3. File RL (59) 40B Speeches (Briefings & Presentations) Sec. 3 (5 June 59 -)
 - i. JCS to CCS, 10/30/59, with enclosures
 - ii. Presentation by General Hickey, 11/5/59

(Archive Request No. 931089AIR051; Air Force FOIA Nos. 93-1760 and 93-1822).

292. On December 7, 1993, SAF/AAIS wrote Plaintiff that RGN 241 was not in USAF records and requested that Plaintiff check the RGN and redirect its request to the appropriate agency.

293. On December 13, 1993, Plaintiff responded, "Instead of RG 241 I ought to have typed in RG 341, which relates to Air Force records."

294. On April 15, 1994, SAF/AAIS wrote Plaintiff, "The delay in responding to your request is due to the fact that the Deputy Chief of Staff Plans and Operations ordered the records from another agency in December 1993 and they still have not received them. When the records are received they will review them for release determination."

295. On August 6, 1997, Plaintiff provided additional information regarding the request.

296. On August 23, 2001, Plaintiff inquired as to the status of the request.

297. Defendant never responded to the inquiry.

298. On August 26, 2004, Plaintiff refiled its original request with Defendant 11 CS/SCSR (Archive Request No. 20040970AIR054; Air Force FOIA No. 04-1085).

299. On August 31, 2004, 11 CS/SCS acknowledged receipt of Plaintiff's refiling.

300. To date, Defendant has neither denied this FOIA request nor provided all documents requested in it.

(24) US-JAPANESE SECURITY ALLIANCE

301. By letter dated January 10, 1994, Plaintiff wrote the DOD to request, pursuant to FOIA, the following documents:

Accession 72-A-6310, OASD/ISA External Research –
Box 5: CAN/ONR – Pacific Alliance Systems 1974-1988 (1967)
Box 10: CONFINOFORN, RAC-R-111, Cys 86, 119, "The Strategy Gap in Asia: Japan and Australia."
SECRET RD, SRI (August 1971, "Japanese Security Posture and Policy, 1970-1980"
Box 11: SRI Report, FOUO: "Japanese Security Posture and Policy, 1970-80"
Box 15: IDA Tactical Nuclear Weapons in East Asia, 1970
IDA – US Military Assistance in Asia in Light of the Nixon Doctrine, 1970

(Archive Request No. 940037DOD002; Air Force FOIA No. 98-1168, NAIC-98-114).

302. By letter dated May 6, 1998, the Directorate of Information and Security Review (DISR), DOD, wrote Plaintiff that four of the requested documents had been located but came "under the cognizance of other agencies." DISR stated that it had forwarded the records to DOA and to Defendant 11 CS/SCSR. DISR also released one of the requested records.

303. By letter dated June 17, 1998, 11 CS/SCSR wrote Plaintiff that it forwarded the requested documents to Defendant NAIC/SCVMS.

304. NAIC/SCVMS wrote Plaintiff four letters between August 17, 1998 and May 31, 2002, indicating that it required additional time to process the request.

305. By letter dated August 19, 2004, Plaintiff refiled its original request with Defendant HQ AIA/DOQI. (Archive Request No. 20040921AIR034).

306. By letter dated September 15, 2004, Plaintiff refiled its original request with NAIC/SCVMS (Archive Request No. 20040921AIR034).

307. By letter dated October 5, 2004, NASIC/SCVMS wrote Plaintiff that it was still processing the original request.

308. To date, Defendant has neither provided any records responsive to this FOIA request nor denied the request.

(25) 1960s MISSILE POLICY RECORDS

309. By letter dated February 8, 1994, Plaintiff wrote Defendant SAF/AAIA to request, pursuant to FOIA, the following documents:

Copies of the following documents from two separate accessions of Air Force records, RG 341, held at the Federal Records Center, Suitland:

I. Accession 70A-6334

Box 31, file: "RL (65) 70 Speeches (Briefings & Presentations) (1 Jan. 65 -)" "

- a. Presentation to JCS on Overview of Draft Memorandum for the President, FY 1966-1970 (Scheduled for 13 Nov. 64)
- b. UOSBMAUSNC, 1/12/65
- c. AFX, DPI, 6/21/65, COCCTTCOHB

II. Accession 341-75-854:

Box 1: file "RL (69) Missile Program (1 Jan. 69 -)"

- a. AFXDOC letter, 5/29/69, with comments

Box 2: file "RL (69) 49-1 Anti-Missile (1 Jan. 69 -)"

- a. CSSSO-DAO letter, 11/25/69, re DoD decisions on Safeguard
- b. AFXPGS letter, 1/10/69 re ABM

Box 3: file "RL (69) 49-11 Sentinel/Minuteman System"

- a. AFXDD letter, 10/1/69, re Safeguard
- b. Letter re Safeguard, 9/27/69
- c. Memo for Deputy SecDef, 8/27/69 re Safeguard/Minuteman Integration
- d. AFXDOP, 4/17/69, CONAD report on Sentinel/Minuteman Coordination Structure

(Archive Request No. 940159AIR011; Air Force FOIA No. 94-0200).

310. On March 1 and 15, 1994, SAF/AAIS wrote Plaintiff that it needed additional time to process the request.

311. On April 14, 1994, SAF/AAIS wrote Plaintiff that it had ordered records from another agency and that upon receipt of the records, the Plans and Operations Office would review the request.

312. By letter dated October 2, 2000, Defendant advised Plaintiff "We are still consulting with another government agency on the releasability of the records you requested."

313. By letter dated August 23, 2001, Plaintiff wrote Defendant about the status of the request.

314. Defendant did not respond.

315. Plaintiff refiled its original request on August 16, 2004, with Defendant 11 CS/SCSR (Archive Request No. 20040908AIR030; Air Force FOIA No. 04-1049).

316. 11 CS/SCS acknowledged the refiling on August 20, 2004.

317. To date, Defendant has neither provided any records regarding this FOIA request nor denied the request.

(26) HISTORY OF SECOND AIR FORCE AND STRATEGIC AIR COMMANDS

318. On June 22, 1994, Plaintiff wrote Defendant HQ ACC/IMD, to request, pursuant to FOIA, the following documents,

Copies of the following histories (please review classified portions only):

1. History, 2nd Air force, 1 July 68-30 June 1969
2. History, 2nd Air force, 1 July 69-30 June 1970
3. Histories of Strategic Air Commands for 1968 and 1969

(Archive Request No. 940518AIR029; Air Force FOIA No. 94-278)

319. On July 13, 1994, Defendant HQ ACC/IMD acknowledged receipt of the request, but indicated that it needed additional time.

320. On July 20, 1994, Defendant HQ ACC/IMD wrote Plaintiff that items one and two were referred to HQ AETC/IMX for action and direct reply to Plaintiff. Defendant further

stated that item three was classified and had to undergo a declassification review by other government agencies.

321. On August 5, 1994, Defendant HQ AETC/IMX wrote Plaintiff that one of the documents had to be referred to other activities within the Air Force and to outside government agencies, but indicated that it would update Plaintiff no later than September 5, 1994.

322. On September 16, 1994, Defendant HQ AETC/IMX wrote Plaintiff that the Department of Energy was still reviewing the document with no foreseeable completion date, but that the Air Force activities should complete its reviews within a few months.

323. On September 26, 1994, Defendant HQ ACC/IMD wrote Plaintiff that the requested documents were being reviewed by the ACC History Office and because they are classified, they would need to be reviewed by other government agencies.

324. On January 18, 1995, Defendant HQ AFSPC/IMQ wrote Plaintiff that it was still processing the request, but that it would inform Plaintiff when its release determination was sent to HQ ACC/IMD.

325. On May 11, 1995, Defendant HQ AFSPC/IMQ wrote Plaintiff that it needed additional time to process the request.

326. On August 9, 1995, Defendant HQ AFSPC/IMQ wrote Plaintiff that it had concluded its declassification review and returned the package to HQ ACC for further action.

327. On December 17, 1996, Defendant AETC wrote Plaintiff that it had received responses back from the various agencies but that the Department of Energy recommended that the HQ Defense Special Weapons Agency (formerly Defense Nuclear Agency) conduct a final all-inclusive review. Defendant further stated that it couldn't give an exact date as to when the review would be complete, but expected it by late January 1997.

328. On January 30, 1997, Defendant AETC wrote Plaintiff that another government agency, Ogden Air Logistics Center, had to review portions of the document before a final decision on release could be made. Defendant further stated that it couldn't give an exact date as to when the review would be complete, but expected it by mid-February 1997.

329. On March 14, 1997, Defendant AETC wrote Plaintiff that it was still waiting for a response from Ogden Air Logistics Center.

330. On May 13, 1997, Defendant HQ ACC/SCBP wrote Plaintiff that declassification reviews were still taking place at the Department of Energy and USSTRATCOM.

331. On July 1, 1997, Defendant HQ ACC/SC released portions of the documents Plaintiff requested. Defendant stated that the Department of Energy was withholding portions of documents.

332. On July 1, 1997, and August 15, 1997, Defendant HQ AETC/SCTS wrote Plaintiff that it was still waiting on a response from Ogden Air Logistics Center.

333. On August 22, 1997, Plaintiff filed an appeal with the Secretary of the Air Force.

334. On August 26, 1997, Plaintiff phoned Defendant Air Combat Command to inquire if it could get a clearer copy of one of the documents that was released to Plaintiff.

335. On September 9, 1997, Defendant HQ AFHRA/RSA provided Plaintiff with a clearer copy of the page requested.

336. On September 15, 1997, Defendant HQ AETC/SCTS wrote Plaintiff that it was still waiting on a response from Ogden Air Logistics Center.

337. On October 7, 1997, Defendant HQ ACC/SCBP released additional portions of a declassified document to Plaintiff.

338. On October 14, 1997, Defendant HQ ACC/SC released portions of documents to Plaintiff, but noted that additional documents were still undergoing a declassification review at the Department of State.

339. On November 25, 1997, Plaintiff filed an appeal with the Secretary of the Air Force.

340. On December 1, 1997, Defendant HQ AETC/SCTS wrote Plaintiff that it was still waiting on a response from Ogden Air Logistics Center.

341. On December 5, 1997, Plaintiff filed an appeal with the Secretary of the Air Force.

342. On December 12, 1997, Defendant HQ ACC/SCTC wrote Plaintiff that its original appeal was never received by them until December 11, 1997. Defendant further stated that it would begin processing the appeal immediately.

343. On December 15, 1997, Defendant HQ ACC provided Plaintiff with a clearer copy of several pages of documents.

344. On May 8, 1998, Defendant HQ ACC/SCTC granted the August 22, 1997 appeal in part and released excised portions of the documents in question. Defendant also indicated that it forwarded the appeal to AFLSA/JACL, who, in turn, would respond directly to Plaintiff.

345. On May 19, 1998, Defendant AFLSA/JACL acknowledged its receipt of the appeal and stated that when it completed its review it would send it to the Office of the Secretary, who, in turn, would respond directly to Plaintiff.

346. On June 30, 1998, Defendant HQ ACC/SCTC granted the December 5, 1997 appeal in part and released excised portions of the documents in question. Defendant also

indicated that it forwarded the remainder of the appeal to AFLSA/JACL who, in turn, would respond directly to Plaintiff.

347. On July 24, 1998, AFLSA/JACL acknowledged its receipt of the December 5, 1997 appeal and stated that when it completed its review it would send it to the Office of the Secretary, who, in turn, would respond directly to Plaintiff.

348. On September 29, 1998, SAF/GCA denied the August 22, 1997 appeal.

349. On October 24, 2002, HQ ACC/SC released portions of one document. Defendant stated that the Department of Energy was withholding portions of documents.

350. On November 22, 2002, Plaintiff filed an appeal with the Secretary of the Air Force.

351. On January 3, 2003, Defendant HQ ACC/SCXP acknowledged its receipt of the November 22, 2002 appeal and indicated that it would need additional time to process the appeal. Defendant further stated that when it completed its review, it would forward the response to AFLSA/JACL, who, in turn, would make a final decision and respond directly to Plaintiff.

352. On March 3, 2003, AFLSA acknowledged its receipt of the November 22, 2002 appeal and stated that once it finished the review, it would forward it to the Secretary of the Air Force, who, in turn, would make a final decision and respond directly to Plaintiff.

353. To date, Defendant has not responded to Plaintiff's appeal.

(27) AIR FORCE SECURITY SERVICE REPORTS

354. On July 21, 1994, Plaintiff wrote Defendant's Headquarters Electronic Security Command (HQ ESC) to request, pursuant to FOIA, the following documents:

Copies of two reports by the Air Force Security Service:

1. "The Soviet Operational Surface-to-Surface Missile Problem", by Burleigh Scammon, 1963.
2. "USAFSS Response to World Crises", 1949-1969, by James E. Pierson, 1970.

(Archival Request No. 940631AIR036; Air Force FOIA No. 94-038).

355. Defendant HQ AIA/IMQ wrote three letters to Plaintiff between April 12 and October 12, 1995, all indicating that it needed additional time to process the request, as other agencies were reviewing the records requested.

356. Defendant HQ AIA/SCXI wrote three letters to Plaintiff between April 19 and October 18, 1996, all indicating that it needed additional time to process the request as other agencies were reviewing the records requested.

357. On January 22, 1997, Defendant HQ AIA/DOMP wrote Plaintiff that it needed additional time to process the request, as another agency was reviewing the records requested.

358. On December 28, 1998, Defendant HQ AIA/DOOI acknowledged receipt of Plaintiff's request, and stated it had referred the request to another government agency.

359. Plaintiff has received no correspondence from any Air Force component since 1998.

360. On August 13, 2004, Plaintiff refiled its original request with HQ AIA/DOQI (Archive Request No. 20040923AIR036).

361. To date, Defendant has not neither denied this FOIA request nor provided Plaintiff with any responsive records.

(28) USAF DIRECTORATE OF OPERATIONS: 1968

362. On August 12, 1994, Plaintiff wrote SAF/AAIA to request, pursuant to FOIA, the following documents:

Copies of the documents cited below from Air Force Directorate of Operations accession 72A-5971, held at Federal Records Center, Suitland, Maryland

- A. Box 3, file RL (68), 10 Atomic Weapons (1 Jan 68)
 - 1. Letter from XPDPA, 5/8/68, Nuclear Weapons and Deterrence of War, with enclosures
- B. Box 3, file RL (68) 13 Budget (1 Jan 68 – 15 Aug 68):
 - 1. Memo, 6/15/68, from SAFOS, signed Brown, Strategic Forces and Effectiveness Tables, with Detailed Recommendations
 - 2. Letter, 8/8/68 (might be 8/6), [to] XPFSa from XDOC, Review of Draft Presidential Memorandum on Strategic Offensive and Defensive Forces, with AFXDO Comments
- C. Box 3, file RL (68) 13 Budget (16 Aug 1968 - 0):
 - 1. Memo, 8/26/68, to SOD from SAFOS, signed Brown, Draft Presidential Memo on Strategic Offensive and Defensive Forces, with attachments
- D. [B]ox 4, file RL (68) 17 SAC (1 Jan 68):
 - 1. Letter, 4/27/68 to SAC from C/S, USAF, with letter dated 4/8/68
 - 2. SAC Inspection Report, 3-18 September 1968
- E. [B]ox 4, file RL (68) 22 Conferences (1 Jan 68):
 - 1. Memo for Record, 4/11/68
 - 2. XDDFCC letter, 10/22/68, with Minutes of the 1968 Annual Worldwide Command War Planning Conference
- F. Box 4, file RL (68) 26 Special File (1 Jan 68)
 - 1. Memo by Deputy Assistant Sec Def, Leadtime for U.S. Response to Soviet Actions, 1968
 - 2. Talking Points on SAFUS Memo to Halperin, 9/19/68
 - 3. Letter, 7/26/68, to OSD/ISA from Sec AF, with enclosure
 - 4. Memo, 7/28/68 to Halperin from Undersecretary AF Hoopes, with attachment
 - 5. Memo to Hoopes from Kent, 7/22/68
 - 6. Memo to Halperin from Hoopes, 7/15/68
- G. Box 6, file RL (68) 38-9 Russia:
 - 1. Letter from XDOC, re Report by J-5, 2/6/68
- H. Box 7, file RL (68) 57-2, Strategic Forces Planning
 - 1. Letter to SAC from AFCCS, 2/12/68, Strategic Concepts and Operations

(Archive Request No. 940714AIR037; Air Force FOIA No. 94-1492).

363. On September 1 and 15, 1994, 11 MSS/MSIS wrote Plaintiff that it needed additional time to process the request.

364. On August 23, 2001, Plaintiff wrote 11 CS/SCSR inquiring as to the status of the request.

365. Defendant never responded.

366. On August 20, 2004, Plaintiff refiled its original request with Defendant 11 CS/SCSR (Archive Request No. 20040951AIR046; Air Force FOIA No. 04-1071).

367. On August 25, 2004, 11 CS/SCS wrote Plaintiff to acknowledge receipt of the refiling.

368. On October 29, 2004, and January 4, 2005, 11 CS/SCS wrote Plaintiff that it needed more time to process the request.

369. To date, Defendant has neither released any documents responsive to this FOIA request nor denied the request.

(29) ACCESSIONS 62A1451 AND 63A1609

370. By letter dated August 25, 1994, Plaintiff wrote Defendant 11 MSS/IMS to request, pursuant to FOIA, the following documents:

Copies of the following Air Force records held in the following accessions, Record Group 341, Federal Records Center, Suitland, Maryland:

Accession 62A1451:

Box 16:

Folder OPS 20-8 Overflight and Landing Rights (1 Jan 58 – 17 July 58):

- a. Memo for DCS/P&P from Gen. Smart, 11/25/58, subj: OOWNW, with attachments
- b. Memo for Sec Def from J.H. Douglas, 6/25/58. subj: OOCWN, with attachments

Folder OPS 20-8 Overflight and Landing Rights (18 July -) Sec. 3:

- a. Memo from J.H. Douglas to SecDef, 7/22/58, subj: TODATAOOCWAADR
- b. Letter to SAC from Gen. Marks, subj: OOC, 8/6/58
- c. Memo from D/Ops from AFXPD-PY-IAA, subj: OC, 10/1/58
- d. Memo for Record from AFXPD-PY-IAA, subj: SACOoc, 11/5/58

Accession 63A1609:

Box 11:

Folder RL (59) 105 SAC (1 Jan 59 – 17 Mar 59) Sec. 1:

- a. Summary Sheet for AFXPD-PY, 2/27/59, subj: SAC Test Ops, with attachments
- b. Brief on SAC AA Test Ops, 2/10/59
- c. Summary Sheet for AFXPD-PY, subj: Alert Force Ops., 3/18/59, with attachments

Folder RL (59) 105 SAC (18 March 59 – 7 July 59) Sec. 2

- a. memo for Dir Plans from AFXPD-PY-IA, Airborne alert, 7/7/59, with attachments

Folder RL (59) 105 SAC (8 July 59 – 9 Oct 59) Sec. 3:

- a. Brief on Aug. Report on SAC Exercise, 9/14/59
- b. Brief on Exercise Steel Trap, 9/24/59
- c. Brief on SAC Steel Trap Indoctrination Training for Last Half FY 1960, 10/12/59

(Archive Request No. 940754AIR041; Air Force FOIA No. 94-1579, 9529.9).

371. On September 14 and 29, 1994, 11 MSS/MSIS wrote Plaintiff that it needed additional time to process the request.

372. On July 10, 1995, Defendant 11 MSS/MSIS wrote Plaintiff that it forwarded the request to the USSTRATCOM.

373. By letter dated October 27, 1995, USSTRATCOM/JO734 wrote Plaintiff that it returned the documents under review to 11 MSS/IMS.

374. Defendant provided no further information for the next nine years.

375. By letter dated August 18, 2004, Plaintiff refiled its original request with Defendant 11 CS/SCSR (Archive Request No. 20040915AIR033; Air Force FOIA No. 04-1058).

376. By letter dated August 21, 2004, 11 CS/SCS acknowledged Plaintiff's refiling.

377. To date, Defendant has neither released any documents responsive to this FOIA request nor denied the request.

(30) RECORD GROUP 341

378. On September 21, 1994, Plaintiff wrote Defendant 11 MSS/MSIS to request, pursuant to FOIA, the following documents:

Copies of documents from two accessions of Air Force records, Record Group 341, held at the Federal Records Center, Suitland, MD:

I. Accession 341-75-855:

Box 1:

A. File RL (69) 20 Atomic Weapons (1 Jan 69):

1. Letter from AFXDOC, 6/26/69, Review of an Array of Nuclear Warfare Scenarios
2. Letter from AFXDOC, 2/7/69, Review of Scenarios for NUWARs

B. File RL (49-3) ICBM (1 Jan 69):

1. Letter from AFXPFSO, 7/23/69, Hard Target Kill (HTK) Requirements
2. Letter from AFXDOC, 7/17/69, Hard Target Kill Requirements

Box 2:

A. File (69) 73-1 RAND (1 Jan 69):

1. Letter from AFXDP, 12/12/69, RAND Participation in NU-OPTS III

II. Accession 341-75-852:

Box 1:

A. Folder #2:

1. Brief, 10/11/69, JCS Sponsored Exercise High Heels 69
2. Brief, 12/0/69, Briefing for the Director (DSTP) on War Game, SIOP 4F Vs RISOP 69

B. Folder #3:

1. Brief, 11/20/69, NSSM-64, U.S. Strategic Capabilities

III. Accession 341-75-556 (Records of USAF SAB):

Box 3:

A. Folder: Nuclear Panel Intelligence Meeting, 3-4 March 1970

B. Folder: Nuclear Panel, Review of Kill Criteria for Nuclear Weapons, March 1970

IV. Accession 341-75-857:

Box 1:

A. Folder RG (70) 70-71 Correspondence (Speeches):

1. Letter from XO, 12/10/70, Briefing on US SSBNs, with attachment

Box 2:

A. Folder RL 70 (71) Studies (1 Jan 70):

1. Sino-Soviet Interaction: A Qualitative Assessment, Project Triad 6/70
2. Sino-Soviet Conflict, Its Implications for U.S. Strategic Planning in the 1970s (Project Triad Report), 8/70

(Archive Request No. 940819AIR045; Air Force FOIA No. 94-1780).

379. On October 17 and 31, 1994, 11 MSS/MSIS wrote Plaintiff that it needed more time to process the request.

380. On November 13, 1995, 11 MSS/MSIS released some documents in response to part of the request. It also indicated that it was continuing to review additional documents and that it forwarded the request to other agencies.

381. On May 14, 1996, 11 MSS/MSIS wrote Plaintiff that it was still processing the request.

382. On October 2, 2000, 11 CS/SCS acknowledged its receipt of the request.

383. On August 20, 2004, Plaintiff refiled its original request with 11 CS/SCSR

(Archive Request No. 20040952AIR047; Air Force FOIA No. 04-1076).

384. On August 25, 2004, 11 CS/SCS acknowledged Plaintiff's refileing.

385. To date, Defendant has neither produced all documents relevant to this FOIA request nor denied the request.

(31) NUCLEAR MISSILE POLICY DOCUMENT

386. On September 30, 1994, Plaintiff wrote Defendant 11 MSS/MSIS to request, pursuant to FOIA, the following documents:

Copies of the following documents from accession 70-A-6468, Air Force intelligence records held at the Federal Records Center, Suitland, MD:

1. AFNINDC TSC 196-64, Letter to DIA, 3/11/64, subject: DIA 2283/325/1, DOD Review of Missile and Space Intelligence Programs of DOD Components
2. AFNINDC TSC 203-64, Memo for Record, 3/11/64, DOD Review of Missile and Space Intelligence
3. AFNINDC TSC 788-64, Study by AFNINA, Intelligence and Technological Surprise, 7/64
4. AFNINDC TSC 597-66, Speech by Dr. Kilmarx at Air War College, 11/21/66, "Soviet Military Capabilities..."
5. AFNINDC TSC 58-67, Air Staff Summary Sheet, 2/7/67, "Nuclear Constraints," with enclosures

(Archive Request No. 940837AIR046; Air Force FOIA No. 94-1901).

387. On October 28 and November 14, 1994, 11 MSS/MSIS wrote Plaintiff that it needed additional time to process the request.

388. On August 23, 2001, Plaintiff inquired as to the status of the request.

389. Defendant did not reply or send any further information for the next three years.

390. On August 20, 2004, Plaintiff refilled its original request with 11 CS/SCSR

(Archive Request No. 20040955AIR050; Air Force FOIA No. 04-1077).

391. On August 25, 2004, 11 CS/SCS acknowledged its receipt of the refiling.

392. On October 29, 2004, and January 4, 2005, 11 CSS/SCS wrote Plaintiff that it needed more time to process the request.

393. To date, Defendant has neither provided any records responsive to this FOIA request nor denied the request.

(32) RAND RESEARCH MEMOS

394. By letter dated October 21, 1994, Plaintiff wrote Defendant 11 MSS/MSIS to request, pursuant to FOIA, the following documents:

Copies of:

- 1) Rand Research Memorandum R-920-PR, "Soviet Strategic Doctrine on Nuclear War: Evolution and Current Trends," by Arnold L. Horelick, dated January 1972.
- (2) Rand Research Memorandum RM-3612-PR, "Forecasting Soviet Force Structure: The Importance of Bureaucratic and Budgetary Constraints," by J.E. Loftus and A.W. Marshall, July 1963
- (3) Rand Research Memorandum RM-3631-PR, "A Basis for Understanding the Soviet Military Problem in the Sixties," by Herbert S. Dinerstein and Thomas W. Wolfe, July 1963

(Archive Request No. 940878AIR048; Air Force FOIA No. 94-2020).

395. On November 9 and 25, 1994, Defendant 11 MSS/MSIS wrote Plaintiff that it needed additional time to process the request.

396. By letter dated March 24, 1995, Defendant 11 MSS/IMS wrote Plaintiff that, "We surfaced records responsive to items 1 and 3 of your request. We do not have the authority to deny or release them. We forwarded your request and the records to the National Air Intelligence Command/MSIQ-1 They will reply directly to you." Defendant also advised Plaintiff that, "Item 2 is a duplicate of your previous request dated May 24, 1994 (our case #94-0985)."

397. On March 27, 1996, Defendant NAIC/SCVMS acknowledged its receipt of the request.

398. By letter dated May 1, 1996, NAIC/SCVMS wrote Plaintiff that, "After reviewing the referred document it was determined that it was sent to NAIC by mistake since we are not the office of primary responsibility. The document has been sent to 1 MSS/IMD . . . for review and direct reply to you."

399. By letter dated September 14, 1999, Defendant released one document.

400. On August 23, 2001, Plaintiff inquired with Defendant regarding the status of its request.

401. Defendant did not respond.

402. Plaintiff refiled the remainder of its original request on August 16, 2004, with 11 MSS/IMD and HQ ACC/SCXP (Archive Request No. 20040914AIR032; Air Force FOIA No. 2004-282).

403. On September 21, 2004, Plaintiff inquired as to the status of the request.

404. By letter dated September 22, 2004 Defendant acknowledged receipt of the August 16, 2004 refiling and advised that, "To process your request properly, we find a time extension is necessary because we are awaiting the results of the Pentagon's search for the requested record. We will respond to you by 6 October 2004."

405. By letter dated November 8, 2004, Defendant HQ ACC/SCXP wrote Plaintiff:

You originally requested this document in 1994; however, you never received a response on this particular item. According to the paper trail, the Pentagon FOIA Office had referred the document to the National Air Intelligence Command, who in turn, sent the case to the Base FOIA Office at Langley AFB (not the ACC FOIA Office). The base FOIA Office conducted a search of their records and found no record of ever having received the referral.

On 22 September 2004, we asked the Pentagon FOIA Office to search for another copy, since it did not originate at this command. However, they were unable to find a copy of the document. Therefore, we are returning the case to the Pentagon FOIA Office for their action and direct response to you.

406. By letter dated November 22, 2004, 11 CS/SCS acknowledged its receipt of the request and wrote, "Every effort will be made to respond in twenty business days."

407. To date, Defendant has not provided or denied the requested record.

(33) COMMAND AND CONTROL SYSTEM, 1961-1965

408. On December 13, 1994, Plaintiff wrote Defendant 11 MSS/MSIS to request, pursuant to FOIA, a "[c]opy of Thomas A. Sturm, The Air Force and the Worldwide Military

Command and Control System, 1961-1965, (Historical Division Liaison Office, U.S. Air Force, August 1966). (Archive Request No. 941146AIR052; Air Force FOIA No. 94-2367).

409. On January 4, 1995, 11 MSS/MSIS wrote Plaintiff that it needed additional time to process the request.

410. On January 11, 1995 11 MSS/MSIS wrote that it forwarded the request to CAFH/HOR.

411. For the next eight years, Defendant did not deny the request or provide any records responsive to this FOIA request.

412. On August 20, 2004, Plaintiff refiled its original request with AFHSO/HOS (Archive Request No. 20040953AIR048).

413. To date, Defendant has neither acknowledged Plaintiff's refiling nor provided any records responsive to this FOIA request.

(34) ATOMIC CLOUD SAMPLING

414. On January 4, 1995, Plaintiff wrote Defendant 11 MSS/MSIS to request, pursuant to FOIA, that "[a] copy of a study by the Air Force History Office, History of Air Force Atomic Cloud Sampling, by Ward A. Minge, published in 1963." (Archive Request No. 941159AIR055; Air Force FOIA No. 95-0036).

415. On January 9, 1995, Defendant acknowledged receipt of the request and advised that it had forwarded the request to CAFH.

416. Defendant did not deny the request or provide any further information.

417. On August 20, 2004 Plaintiff refiled its original request with AFHSO/HOS (Archive Request No. 20040954AIR049).

418. To date, Defendant has not acknowledged the refiling or provided any further information regarding this FOIA request.

(35) SECURITY SERVICE REPORTS

419. By letter dated January 23, 1995, Plaintiff wrote Defendant 11 MSS/MSID to request, pursuant to FOIA, a “[c]opy of the following document: U.S. Air Force, Detection of the First Soviet Nuclear Test on August 29, 1949, report dated 6 February 1962, presumably prepared by Air Force History Office (or AFTAC History Staff?).” (Archive Request No. 950034AIR002; Air Force FOIA No. 95-0192).

420. By letter dated February 6, 1995, 11 MSS/MSIS wrote Plaintiff that it had forwarded the request to AF HSO/HOS.

421. By letter dated August 12, 2004, Plaintiff refiled its original request with AFHSO/HOS (Archive No. 20040930AIR037).

422. To date, Defendant has neither acknowledged Plaintiff’s refiling, provided any responsive records, nor denied this FOIA request.

(36) RAND STUDIES: 1962-1963

423. By letter dated April 19, 1995, Plaintiff wrote Defendant 11 MSS/MSID to request, pursuant to FOIA, the following documents:

Copies of the following RAND Corporation studies:

1. Joseph E. Loftus and Andrew W. Marshall, “On Improving Midterm Estimates of Soviet Military Capabilities for Use in United States Military Planning,” RM-2892-PR, August 1962
2. Harvey Averch, “Strategic Ambiguity, Asymmetry and Arms Control: Some Basic Considerations,” RM-3426-PR, March 1963.
3. R.C. Kao, “Relating the U.S. and SU General-War Forces to Their Strategic Objectives and Budgets: Case A (of Six Case Studies),” RM-3542-PR, April 1963
4. F. Hoffman, et al., “1970 Counterforce and Damage Limiting Capabilities in Central War,” RM-3692-PR, prepared sometime after June 1963

5. Harvey Averch and Sorrel Wildhorn, "Risk, Ambiguity, and Force Structure: An Analysis of General-War Forces and Strategic Objectives in Cases C and D (of Six Case Studies)," RM-3511-PR, prepared sometime after June 1963.

(Archive Request No. 950616AIR007; Air Force FOIA No. 95-0734).

424. On May 12 and 25, 1995, 11 MSS/MSIS wrote Plaintiff that it needed additional time to process the request.

425. By letter dated May 23, 1996, 11 CS/SCSR, indicated that it forwarded the request and the records to NAIC/SCVMS. Enclosed with the May 23, 1996 letter was one of the requested records, item two.

426. In four letters from June 27, 1996 to June 27, 2003, Defendant NAIC/SCVMS informed Plaintiff that it needed more time to process the request, as the documents in question needed to be reviewed by other agencies.

427. By letter dated August 13, 2004, Plaintiff refiled its original request with Defendant AIA/DOQI (Archive Request No. 20040931AIR038; Air Force FOIA No. I-NAIC-96-97).

428. By letter dated September 15, 2004, Plaintiff sent its refiling to NAIC/SCVMS with the statement, "These requests, that were intended to have been sent to your office at NAIC, unfortunately were originally sent to the wrong Air Force components."

429. By letter dated October 5, 2004, Defendant indicated that it was "still processing your [original] FOIA request and [was] waiting on a response from one other agency."

430. To date, Defendant has neither denied this FOIA request nor provided all records responsive to it.

(37) DIA REPORTS

431. By letter dated May 16, 1995, Plaintiff wrote the Defense Intelligence Agency (DIA) to request, pursuant to FOIA, the following documents:

- a. "Soviet Aviation Industry Design Resources," SAO/ST-SS-01-004-73.
- b. "Aerospace Research, Development, and Test Facilities," TCS-692191/71, SAO/ST-SS-01-69-72 (1 Oct. 71).

(Archive Request No. 950727DIA083; Air Force FOIA No. NAIC-99-038).

432. By letter dated March 18, 1999, the DIA acknowledged the request and noted that it forwarded the request to another government agency.

433. By letter dated April 22, 1999, Defendant NAIC/SCVMS acknowledged receipt of Plaintiff's request.

434. By letter dated May 13, 1999, NAIC/SCVMS wrote Plaintiff that it needed additional time to process the request.

435. By letter dated July 26, 1999, NAIC/SCVMS confirmed that Plaintiff agreed to narrow the request.

436. Defendant never released any responsive records or provided any further information regarding Plaintiff's May 16, 1995 FOIA request.

437. By letter dated August 13, 2004, Plaintiff refiled its original request with HQ AIA/DOQI (Archive Request No. 20040932AIR039).

438. By letter dated September 15, 2004, Plaintiff sent its refiling to NAIC/SCVMS with the statement, "These requests, that were intended to have been sent to your office at NAIC, unfortunately were originally sent to the wrong Air Force components."

439. By letter dated September 21, 2004, NAIC/SCVMS wrote Plaintiff that it was waiting on a response from one other agency to process the request.

440. To date, Defendant has neither released any records requested in the refiling nor denied this FOIA request.

(38) 1958 STUDY ON ICBM/ESV ACTIVITIES

441. On August 1, 1995, Plaintiff wrote Defendant 11 MSS/IMS to request, pursuant to FOIA, the following documents:

1. The Application of Radar Surveillance Techniques to the Soviet Guided Missile Problem, 1954-1956, by O. D. Dickey, published 1957
2. History of Project Penn: The Establishment of a USAFSS Capability in Turkey, Sep. 1951 to Apr. 1953, by William Dacko and Arthur Lagenkamp, n.d.
3. U.S. Special Intelligence on ICBM/ESV Activities, FY 58, by O.D. Dickey, n.d.

(Archive Request No. 950950AIR017; Air Force FOIA No. 95-1339).

442. On August 7, 1995, Defendant 11 MSS/IMS acknowledged receipt of the request.

443. On August 17, 1995, Defendant 11 MSS/IMS wrote Plaintiff that it forwarded the request to HQ AIA/IMQ.

444. Between September 21, 1995, and February 8, 1996, Defendant HQ AIA/IMQ wrote three letters to Plaintiff indicating that it needed additional time to review the documents.

445. On April 11, 1996, HQ AIA/SC released two excised documents and noted that the remaining document was being reviewed by another agency.

446. On May 15, 1996, Plaintiff appealed the excisions from the documents released.

447. On May 23, 1996, HQ AIA/SCXI wrote Plaintiff that it was processing the appeal.

448. On June 27, 1996, Defendant HQ AIA/SCXI wrote Plaintiff that the appeal had been forwarded to Defendant AFLSA/JACL and that AFLSA/JACL would respond directly to Plaintiff.

449. On July 25, 1996, AFLSA/JACL wrote Plaintiff that it had completed its review of the appeal and that it was forwarding the appeal to the Office of the Secretary for final action.

450. On October 18, 1996, Defendant HQ AIA/SCXI wrote Plaintiff that another agency was reviewing the original request as to the last unreleased document.

451. On January 22, 1997, Defendant HQ AIA/DOMP wrote Plaintiff that another agency was reviewing the last document.

452. On November 13, 1997, Defendant HQ AIA/DOOC wrote Plaintiff that the document was under review at another agency.

453. On May 6, 1998, Defendant SAF/GCA denied Plaintiff's May 15, 1996, appeal of the excisions from the two documents released in part.

454. On June 26, 1998, Plaintiff requested that the appeal be reopened.

455. On July 29, 1998, SAF/GCA wrote Plaintiff that it would consider the request to reopen the appeal.

456. On December 28, 1998, Defendant 11 MSS/MIS wrote Plaintiff that the document was under review at another agency.

457. Defendant did not provide Plaintiff with any further information regarding the last document in its original request.

458. On September 20, 2004, Plaintiff refiled its request with Defendant HQ AIA/DOQI (Archive Request No. 20041048AIR071).

459. On September 22, 2004, HQ AIA/DOQI acknowledged receipt of the refiling and wrote, "Your request was referred to another government agency for their review and release determination. Their [sic] has been no change in the status of your request. Based on information provided to us this morning (22 Sep 04) the document you requested is not complete and still under review to determine their [sic] releasability."

460. To date, Defendant has neither denied the refiling nor provided Plaintiff with records responsive to it.

461. To date, Defendant has not notified Plaintiff of its decision concerning Plaintiff's May 15, 1996, appeal.

(39) MISSILE AND SPACE INTELLIGENCE PROGRAMS

462. On September 21, 1995, Plaintiff wrote Defendant 11 MSS/IMS to request, pursuant to FOIA, the following documents:

Copies of volumes II and III and Annex A of Department of Air Force, Assistant Chief of Staff, Intelligence, "Review of Missile and Space Intelligence Programs (Less SAC & NORAD)," 9 November 1963, Top Secret, Noform.

(Archive Request No. 951115AIR023; Air Force FOIA No. 95-1609).

463. On October 11, 1995, Defendant 11 MSS/IMS acknowledged receipt of the request, and noted that it needed additional time to process it.

464. On October 17, 1995, Defendant wrote Plaintiff that it forwarded the request to NAIC/MSIQ-1.

465. On September 16, 2004, Plaintiff refiled its original FOIA request with NAIC/SCVM (Archive Request No. 20041041AIR068).

466. To date, Defendant has not acknowledged the refiling, provided any records responsive to this FOIA request, or denied the request.

(40) RAND STUDY ON COMMAND AND CONTROL: 1962

467. On September 18, 1995, Plaintiff wrote Defendant 11 MSS/IMS to request, pursuant to FOIA, "[a] copy of RAND Corp. study RM-3151-PR, The Effectiveness of Command and Control in Strategic Operations for the Mid-Sixties, October 1962." (Archive Request No. 951118AIR024; Air Force FOIA No. 95-1595).

468. On October 3, 1995, 11 MSS/IMS acknowledged receipt of Plaintiff's request and indicated that it needed additional time to process it.

469. On October 20, 1995, 11 MSS/IMS wrote Plaintiff it needed additional time.

470. On May 14, and August 12, 1998, 11 CS/SCSR wrote Plaintiff that it was still processing the request and needed additional time.

471. On September 16, 2004, Plaintiff refiled its original request with 11 CS/SCSR (Archive Request No. 20041043AIR070; Air Force FOIA No. 04-1214).

472. On September 27, 2004, Defendant acknowledged receipt of the refiling.

473. On October 29, 2004 and January 4, 2005, 11 CS/SCS wrote Plaintiff that it needed additional time to process the request.

474. To date, Defendant has neither denied nor provided Plaintiff with any records responsive to this FOIA request.

(41) RAND REPORTS: 1965-1970

475. On November 17, 1995, Plaintiff wrote 11 MSS/IMS, to request, pursuant to FOIA:

Copies of the following RAND Corporation reports:

1. Ermath, Fritz and Hoeber, Francis P. "NUOPTS Political Strategic Study." (R-484-PR) February 1970
2. Catlett, L.E. "A Briefing on Coercive Counterforce: A Proposed Strategic Option." (RM-5247-PR) May 1967
3. Jackson, V.G. "The Next-Generation ICBM: A Discussion of Criteria and Alternatives, and a Selection." (RM-4757-PR) February 1966
4. Latter, Richard. "A Polaris Vulnerability." (RM-4068-PR) January 1965

(Archive Request No. 951357AIR028; Air Force FOIA No. 95-1944).

476. On December 7 and 22, 1995, 11 MSS/IMS indicated it needed additional time to process the request.

477. On September 16, 2004, Plaintiff refiled the original request with 11 CS/SCSR (Archive Request No. 20041042AIR069; Air Force FOIA No. 04-1216).

478. On September 27, 2004, 11 CS/SCS acknowledged receipt of the refiling.

479. On October 29, 2004, and January 4, 2005, 11 CS/SCS wrote Plaintiff that it needed additional time to process the request.

480. To date, Defendant has neither denied nor released all documents relevant to this FOIA request.

(42) INDIAN BALLISTIC MISSILE SYSTEMS

481. On March 24, 1996, Plaintiff wrote Defense Intelligence Agency to request, pursuant to FOIA:

All documents including but not limited to memoranda, reports, background papers, briefing papers, intelligence reports, cables and letters from 1980 to the present concerned in whole or in part with:

1. India's intermediate-range ballistic missile, the Agni, and tests of the missile from April through May, 1989, including a successful launch on May 21, 1989.
2. India's surface-to-surface missile, the Prithvi.
3. India's efforts to develop intercontinental ballistic missile systems, as part of its defensive posture toward China.

(Archive Request No. 960201DIA018; Air Force FOIA No. 98-1148, I-NAIC-97-125, NAIC-98-092).

482. On September 2, 1997, Defendant NAIC/SCVMS acknowledged receipt of Plaintiff's request and indicated that it would cost approximately \$262.35 in duplication fees to obtain the document. Defendant asked Plaintiff to it them a statement within thirty days indicating willingness to pay these fees.

483. On October 10, 1997, Plaintiff wrote NAIC/SCVMS and agreed to pay the estimated fees; however, Plaintiff requested that "only government documents be reviewed, and that material based on press information be excluded. . . . [and to] exclude any summaries or intelligence summaries based entirely or predominantly on press reports."

484. On February 24, 1998, Defendant informed Plaintiff by telephone that it had located a large number of documents. Plaintiff responded by letter that it was modifying its request and requested only those documents that dealt with Indian missiles or missile systems.

485. On May 7, 1998, Defendant 11 CS/SCSR informed Plaintiff that it did not have the authority to deny or release the documents that it received from DIA and that it forwarded the documents to NAIC/SCVMS for review.

486. On June 12, 1998, NAIC/SCVMS wrote Plaintiff that it was "not the cognizant authority for the referred documents." NAIC/SCVMS indicated that it would review portions of the documents and then provide its response to AISC which would, in turn, provide the final release determination to Plaintiff.

487. On September 4, 1998, AISC informed Plaintiff that NAIC agreed to release those documents forwarded to it by AISC without exemption.

488. On March 17, 1999, and May 9, 2002, NAIC/SCVMS wrote Plaintiff that it needed additional time to process the request.

489. On September 16, 2004, Plaintiff refiled its original request with NAIC/SCVM. (Archive Request No. 20041040AIR067).

490. To date, Defendant has not acknowledged the refiling, denied the request, or completed the production of records responsive to this FOIA request.

(43) CHINA MISSILES TO PAKISTAN 1991-1992

491. On May 3, 1996, Plaintiff wrote the CIA to request, pursuant to FOIA:

All documents including but not limited to memoranda, reports, background papers, briefing papers, intelligence reports, cables and letters concerned in whole or in part with:

1. Reported sales of missiles and missile technology, including M-11 missiles, by China to Pakistan during 1991 and 1992.
2. U.S. intelligence sightings of M-11 mobile missile launchers in Pakistan, which, according to published reports, first occurred in early 1991.

3. China's denials that it exported M-11s to Pakistan.
4. U.S. policy in response to these reported sales, including its decision to impose an embargo on U.S. government contracts with some Chinese and Pakistani companies, and its suspension of sales of some high technology items.

(Archive Request No. 960379CIA038; Air Force FOIA No. 96-0662, NAIC-01-031, 21 CS/SCXIF, 01-U-011).

492. On June 17, 1996, the CIA acknowledged receipt of the request.

493. Upon information and belief, the CIA forwarded the request to a number of different agencies, each of which processed a portion of the request.

494. On February 9, 2001, the United States Space Command (USSPACECOM) indicated that it had received three documents for review from the CIA. It denied all three documents as exempt.

495. On February 26, 2001, Plaintiff appealed USSPACECOM's decision to withhold documents.

496. On April 2, 2001, 21 CS/SCXIF wrote Plaintiff that it was processing Plaintiff's appeal.

497. On June 7, 2001, CS/SCXIF wrote Plaintiff that during the review of its appeal, "it was discovered that portions of the messages responsive to your request . . . should have been referred to other agencies for their release determination because they were the originating agency for the data." The letter continued, "Because the USSPACECOM decision of 9 February 2001 was not complete, [we] request your concurrence to process your original request on an expedited basis and remove your administrative appeal from the appeal process." In conclusion, Defendant promised, "Your request will be placed in the expedite que [sic] and we will aggressively work your request with the interested agencies and provide you a response as soon as possible."

498. On April 4, 2002, HQ USSPACECOM wrote Plaintiff that the records requested originated with USSPACECOM but that "the information was provided by another government agency." USSPACECOM explained that "this negates the February 9, 2001 response and your subsequent appeal of that response." The letter concluded, "Your requests have been referred to another government agency for direct response to you," but it did not indicate the agency to which the request was forwarded.

499. Defendant has not yet provided a substantive response to Plaintiffs appeal, and it has not informed Plaintiff of any other agency that may be able to do so.

(44) RAND REPORTS ON CHINESE NUCLEAR PROGRAM

500. On June 20, 1996, Plaintiff wrote 11 MSS/IMS to request, pursuant to FOIA:

Copies of the following RAND Corporation reports:

1. Implications of a Communist China Nuclear Capability: A Briefing, by R. L. Blachly, 8/62, RM-3264-PR
2. A Study of the Implications of a Communist Chinese Nuclear Capability, by R. L. Blachly, 12/62, R-411-PR
3. A Possible Chinese Nuclear Development, by H.W. Hubbard, et al., 11/64, RM-4356-PR
4. Chinese Nuclear Strategic Policies: The Impact of External Threats, Internal Policies, and Technology, by W.W. Whitson, 7/73, R-12322-PR

(Archive Request No. 960566AIR012; Air Force FOIA No. 96-1068, I-NAIC-97-017).

501. On July 11, 1996, 11 CS/SCSR acknowledged receipt of the request.

502. On July 24 and August 12, 1996, 11 CS/SCSR indicated it would need additional time to process the request.

503. On November 19, 1996, 11 CS/SCSR indicated that it forwarded the request to NAIC/MSIR.

504. On February 10, 1997, NAIC/SCVMS acknowledged its receipt of the request.

505. Between February 25, 1997, and May 10, 2002, NAIC/SCVMS wrote Plaintiff three letters, all indicating that it needed additional time to process the request.

506. On November 19, 2002, NAIC released several documents, two of which had excisions.

507. On November 27, 2002, Plaintiff appealed the excisions from the two redacted documents.

508. On January 4, 2003, NAIC/SCVMS wrote Plaintiff a letter stating, "One of the offices that initially review[s] the documents you requested is no longer part of our organization due to a recent reorganization." The letter went on to state that NAIC/SCVMS forwarded the appeal to 11 CS/SCSR.

509. On January 28, 2003, 11 CS/SCS acknowledged its receipt of the appeal and stated that "[E]very effort will be made to respond in twenty business days. If we should need additional time, you will be notified in writing."

510. To date, Defendant has not responded to Plaintiff's appeal.

(45) 1953 RAND STUDY ON AIR FORCE NUCLEAR WEAPONS

511. On August 26, 1996, Plaintiff wrote Defendant 11 MSS/IMS to request, pursuant to FOIA, "[a] RAND Corporation Special Memo: The Worth of Nuclear Weapons to the Air Force in 1955, 28 May 1953." (Archive Request No. 960722AIR020; Air Force FOIA No. 96-1463).

512. On September 3, 1996, 11 CS/SCSR acknowledged its receipt of the request.

513. Plaintiff refiled its original request on August 13, 2004, with 11 CS/SCSR (Archive Request No. 20040933AIR040; Air Force FOIA No. 04-1043).

514. To date, Defendant has neither denied nor provided any records responsive to this FOIA request.

(46) OUSTER OF ARISTIDE OF HAITI

515. On August 30, 1996, Plaintiff wrote OATSD (PA), DFOISR, to request, pursuant to FOIA, the

All documents including but not limited to cables, studies, reports, finished intelligence, memoranda, letters, meeting minutes, and briefing papers relating in whole or in part to the ouster of Haiti's president John Bertrand Aristide on September 30-October 1, 1991. Please search for information on events leading to and following the coup, from August 1991 to November 1991.

(Archive Request No. 960746DOD090; Air Force FOIA No. 01-0298).

516. On October 7, 1996, the DOD released some documents, and on May 2, 1997, it informed Plaintiff that it had no further responsive documents.

517. On December 12, 2000, CS/SCS acknowledged its receipt of the request.

518. Defendant provided no further information regarding the request.

519. On September 14, 2004, Plaintiff refiled its original request with 11 CS/SCSR
(Archive Request No. 20041028AIR065; Air Force FOIA No. 04-1193).

520. On September 22, 2004, 11 CS/SCS acknowledged receipt of Plaintiff's refiled.

521. On October 18, 2004, 11 CS/SCS wrote that it needed additional time to process the request.

522. To date, Defendant has neither denied nor provided Plaintiff with any records responsive to this FOIA request.

(47) MIRV RECORDS

523. By letter dated December 5, 1996, Plaintiff wrote Defendant 11 MSS/IMS to request, pursuant to FOIA:

Copies of documents in the following boxes and folders of Accession 340-74-4, Record Group 340, Records of Secretary of the Air Force, 1972-1974, held at Washington National Records Center, whose specific subject matter is Air Force decisions and or action on the research, development, production, and/or deployment of Multiple Independently Targetable Re-Entry Vehicles [MIRVs], Minuteman III, new ICBM types, and/or more accurate guidance systems.

A. box 1, file 222-70 Minuteman

B. box 3, file 132-71 Minuteman

(Archive Request No. 960981AIR028; Air Force FOIA No. 96-2077).

524. By letter dated December 20, 1996, Defendant 11 CS/SCSR acknowledged receipt of Plaintiff's request.

525. Between January 13, 1997 and October 8, 1997, Defendant 11 CS/SCSR wrote five letters to Plaintiff indicating it needed additional time to process the request.

526. Plaintiff refiled its original request on August 13, 2004, with 11 SC/SCSR (Archive Request No. 20040934AIR041; Air Force FOIA No. 04-1041).

527. That same day -- August 13, 2004 -- Defendant acknowledged receipt of the refiling.

528. Defendant 11 CS/SCS wrote Plaintiff on October 29, 2004 and January 4, 2005 that it needed additional time to process the request.

529. To date, Defendant has neither denied nor provided the documents responsive to this FOIA request.

(48) SAC ALERT SYSTEM: 1956-1970

530. On January 14, 1997, Plaintiff wrote HQ ACC/IMD to request, pursuant to FOIA, "The SAC Alert System, 1956-1970" (draft) by John W. Leland, Top Secret, Strategic Air Command, 1973." (Archive Request No. 970022AIR002; Air Force FOIA No. 97-161, 199703578, JACL 01108).

531. Between May 23 and November 4, 1997, HQ ACC/SCBP indicated it needed additional time to process the request, as other agencies also needed to review the documents.

532. On May 15, 2001, HQ ACC/SC released portions of one document; it indicated that DOS had required the redactions.

533. On May 30, 2001, Plaintiff appealed certain redactions from the document released.

534. On June 1, 2001, Plaintiff appealed further redactions from the document released.

535. On June 6, 2001, Plaintiff supplemented its May 30 appeal.

536. On July 6, 2001, granted the June 1 appeal in part and released additional portions of the document.

537. On July 13, 2001, Plaintiff indicated that it still wanted the remainder of the appeal processed.

538. On July 25, 2001, AFLSA acknowledged its receipt of the June 1 appeal.

539. On October 11, 2001, ACC released additional portions of the document and noted the appeal was still under review at AFLSA.

540. To date, Defendant has not responded to Plaintiff's appeals.

(49) MINUTEMAN: 1966-1969

541. On February 19, 1997, Plaintiff wrote Defendant 11 MSS/IMS to request, pursuant to FOIA:

Copies of the following documents from records of the Office of the Secretary of the Air Force, 1966-1969, Accession 72-A-4984, Record Group 341, held at Federal Records Center, Suitland, Md:

1. Box 3: file 130-67, Minuteman Program: TS-DS control numbers: 67-8705-B17; 67-8427-A1 and B1; 67-8245-D1; 67-3273-A1 and B1

2. Box 4: file 36-68 Minuteman: TS-DS control number: 68-8360-B1; 68-8421-C1; 68-8280, A1, F7, C4, D1, and E1; 68-8235-B8 and C7
3. Box 6: file 1672-68 Strategic Weapon Systems: TS-DS control numbers: 68-8392 A2 and B2; 6-8347-A1, B1, C2, G4, and E1; 68-8055-A1 and B1
4. Box 7: file 114-69 Minuteman: TS-DS control numbers: 69-8048-C1 and D1; 69-8244-A1; 69-8162-B1, C1 and D1; TS-69-8116-A1, B6, C5, D5, and E5.

(Archive Request No. 970066AIR005; Air Force FOIA No. 97-0695).

542. On April 2, 1997, Defendant 11 CS/SCSR acknowledged receipt of Plaintiff's request.

543. Between April 15, 1997 and July 20, 1998, Defendant wrote five letters to Plaintiff indicating that it was still processing the request.

544. On September 21, 2000, 11 CS/SCS acknowledged its receipt of the FOIA request and stated, "We are still consulting with another Air Force activity to determine the releasability of those records you requested."

545. On August 13, 2004, Plaintiff refiled its original request with 11 CS/SCSR (Archive Request No. 20040935AIR042; Air Force FOIA No. 04-1040).

546. On August 13, 2004, 11 CS/SCS acknowledged its receipt of the refiling.

547. To date Defendant has neither denied nor provided any records responsive to this FOIA request.

(50) 1972 SOVIET L.R.A. COMMAND AND CONTROL STUDY

548. On April 30, 1997, Plaintiff wrote Defendant 11 MSS/IMS to request, pursuant to FOIA:

A copy of the following DIA/USAF Systems Command/Foreign Technology Division report: "Soviet Long-Range Aviation (LRA) Command and Control Study", ST-SS-06-12-71, 24 February 1972.

Note: DIA was unable to find a copy of this document in its files.

(Archive Request No. 970274AIR009; Air Force FOIA No. 97-1070).

549. On May 12, 1997, 11 CS/SCSR wrote Plaintiff that it forwarded the request to NAIC/SCVMS.

550. On June 3, and June 17, 1997, Defendant NAIC/SCVMS wrote Plaintiff that it needed additional time to process the request.

551. On February 4, 1999, NAIC/SCVMS wrote Plaintiff that, "Your request is in the final stages of the review process. A response will be sent to you shortly."

552. On August 13, 2004, Plaintiff refiled its original request with HQ AIA/DOQI (Archive Request No. 20040936AIR043).

553. On September 15, 2004, Plaintiff sent its refiling to NAIC/SCVMS with the statement, "These requests, that were intended to have been sent to your office at NAIC, unfortunately were originally sent to the wrong Air Force components."

554. To date, Defendant has neither acknowledged Plaintiff's refiling nor provided any records responsive to this FOIA request.

(51) MAY 1992 VISIT TO CHINA BY PRESIDENT OF INDIA

555. On June 12, 1997, Plaintiff wrote the Defense Intelligence Agency (DIA) to request, pursuant to FOIA, "[a]ll memoranda, background reports and briefing papers concerned in whole or in part with the visit of Indian President Venkataraman to China in May 1992." (Archive Request No. 970442DIA030; Air Force FOIA No. 04-1038).

556. On December 9, 1999, NSACSS wrote Plaintiff that two documents were exempt from disclosure.

557. On January 14 and April 13, 2000, the DOS released documents with excisions.

558. On April 13, 2000, the CIA wrote Plaintiff that it would not release one of the documents requested because it was exempt.

559. On May 22, 2000, the DIA released two documents with excisions and noted that it referred 60 documents to other agencies.

560. On May 23, 2000, 11 CS/SCS acknowledged its receipt of the request.

561. On September 13, 2000, the CIA wrote Plaintiff that it would not release another document requested.

562. On November 19, 2001, the DOS released six documents, three of which were redacted.

563. On December 21, 2001, the DOS wrote Plaintiff that two of the documents requested had been previously released to Plaintiff.

564. Defendant neither provided any records responsive to Plaintiff's June, 19, 2000 request.

565. On August 13, 2004, Plaintiff refiled its original request with 11 CS/SCSR (Archive Request No. 20040937AIR044; Air Force FOIA No. 04-1038).

566. On August 13, 2004, 11 CS/SCS acknowledged receipt of the refiling.

567. To date, Defendant has neither denied nor provided any records responsive to this FOIA request.

(52) STRATEGIC AIR COMMAND HEADQUARTERS HISTORIES: 1973-1975

568. On September 22, 1997, Plaintiff wrote Defendant 11 MSS/IMS, to request, pursuant to FOIA, "Copies of Strategic Air Command Headquarters Histories for 1973, 1974, 1975." (Archive Request No. 970894AIR014; Air Force FOIA No. 98-0010, 98-018, 98-019, 98-020, JACL 03080).

569. On October 7, 1997, Defendant 11 CS/SCSR acknowledged the request and indicated that the request was forwarded to Air Combat Command/SCPR, who, in turn, would respond directly to Plaintiff.

570. On November 14, 1997, Defendant HQ ACC/SCBP wrote Plaintiff that it needed an extension of time because it had to retrieve documents from another location. In addition, Defendant indicated that it divided Plaintiff's request into three separate case files.

571. On December 15, 1997, Defendant HQ ACC/SCTC wrote Plaintiff that it needed additional time to process the request because a declassification review had to be made by other government agencies.

572. On August 21, 2002, Defendant HQ ACC/SC released portions of one of the documents to Plaintiff, but stated that two other agencies, the Department of Defense and the Department of Energy, were also withholding portions of the documents.

573. On October 7, 2002, Plaintiff appealed the decision to HQ ACC/SCXP.

574. On November 13, 2002, Defendant HQ ACC/SCXP wrote Plaintiff that it needed an extension of time to respond to the appeal because a declassification review needed to take place by other government agencies. Defendant further stated that, "Once all reviews have been completed, your appeal will be forwarded to AFLSA/JACL . . . who will make a final decision and reply directly to you."

575. On April 10, 2003, Defendant HQ ACC/SCXP wrote Plaintiff that upon the completion of the second review, it was determined that some of the information could be declassified. Defendant further stated that the remainder of the appeal was being forwarded to AFLSA/JACL, who, in turn, would issue a final determination directly to Plaintiff.

576. On May 7, 2003, Defendant AFLSA/JACL wrote Plaintiff acknowledging the October 7, 2002 and stated that once it completed the review, the appeal would be forwarded to the Office of the Secretary of the Air Force, who, in turn, would issue a final determination directly to Plaintiff.

577. To date, Defendant has not responded to Plaintiff's appeal.

(53) 1963 RAND STUDY ON CHINESE NUCLEAR CAPABILITY

578. On December 1, 1997, Plaintiff wrote Defendant 11 MSS/IMS to request, pursuant to FOIA, "[a] copy of the following Project RAND study: Military Aspects of a Communist Chinese Nuclear Capability, written by B.F. Jeager and M. Weiner, Research Memorandum RM-3418-PR, March 1963." (Archive Request No. 971026AIR017; Air Force FOIA No. 98-0364).

579. On December 5, 1997, Defendant 11 CS/SCSR acknowledged receipt of Plaintiff's request.

580. On January 6, 1998, Defendant 11 CS/SCSR wrote Plaintiff that it needed additional time to review documents.

581. On February 11, 1998, 11 CS/SCSR wrote Plaintiff that, "The delay in responding to your request is due to a backlog within Air Force Plans and Operation. They process each request on a first-in first-out basis."

582. On September 3, 2004 Plaintiff refiled its original request with 11 CS/SCSR (Archive Request No. 20041000AIR061; Air Force FOIA No. 04-1133).

583. On September 13, 2004, 11 CS/SCSR acknowledged receipt of Plaintiff's refiling.

584. To date, Defendant has neither denied nor provided Plaintiff with any records responsive to this FOIA request.

(54) INDIAN DEVELOPMENT OF BALLISTIC MISSILE SYSTEMS

585. On December 1, 1997, Plaintiff wrote Defendant 11 MSS/IMS to request, pursuant to FOIA:

All documents including but not limited to memoranda, reports, background papers, briefing papers, intelligence reports, cables and letters from 1980 to 1997 concerned in whole or in part with:

1. India's intermediate-range ballistic missile, the Agni, and tests of the missile from April through May, 1989, including a successful launch on May 21, 1989.
2. India's surface-to-surface missile, the Prithvi.
3. India's efforts to develop intercontinental ballistic missile systems.

(Archive Request No. 971031AIR018; Air Force FOIA No. 98-0392).

586. On December 10, 1997, Defendant 11 CS/SCSR acknowledged receipt of Plaintiff's request.

587. On May 14, 1998, 11 CS/SCSR wrote Plaintiff that it forwarded the request to NAIC/SCVMS.

588. Between March 18, 1999 and May 16, 2002, Defendant NAIC/SCVMS wrote four letters to Plaintiff indicating that the records were being reviewed by several agencies.

589. On September 3, 2004, Plaintiff refiled its original request with 88 CG/SCCMF (Archive Request No. 20041001AIR062).

590. On September 8, 2004, CG/SCCMF wrote Plaintiff, that it had transferred the request to NAIC/SCVMS.

591. On September 15, 2004, Plaintiff sent its refiling to NAIC/SCVMS.

592. To date, Defendant has neither denied nor provided Plaintiff with any records responsive to this FOIA request.

(55) 1969-1971 MISSILE POLICY STUDIES

593. On July 7, 1998, Plaintiff wrote Defendant 11 MSS/IMS to request, pursuant to FOIA:

Copies of the following documents from Air Force records in accession 342-76-463 held at Federal Records Center, Suitland:

A. General Correspondence Files (Permanent) Subjectively Arranged – 1969”

1. OPS 4-4, “Nu-Opts, cy R1 of TS USAF Ltr, “Study on Additional Nuclear Options,” 19 Sept 69 with 2 attachments

2. OPS 4-4, “Nu-Opts,” TS DI Memorandum, “SAC Nu-Opts Study[”], 10 Feb 69

B. General Correspondence Files (Permanent) Subjectively Arranged -1972 through 1967

1. OPS 1-5, “Survivability, cy of TS XP letter, “Strategic Systems Survivability Study,” 16 April 1971

2. OPS 2-2-2, “Minuteman,” cy of Top Secret XPS Ltr, “Minuteman Survivability,” 11 Aug 71

3. OPS 2-2-2 “Minuteman,” cy of Secret XPS Ltr, “Missile Force Analysis,” 18 Aug 70 with attachment, TS XPS Paper “Missile Force Analysis,” 12 Aug 70

4. OPS 2-5 “Survivability,” cy of Confidential XP ltr, “Strategic Systems Survivability,” with 3 attachments

5. OPS 2-5, “Survivability,” cy of unclass XP ltr, “Strategi[c] Forces Survivability and Effectiveness Studies,” 24 Dec 70, with 7 attachments

6. OPS 4-1, “MIRV Study,” TS DPLR Ltr, “MIRV Study, 16 Feb 70, with 1 attachment

7. OPS 4-1, “MIRV Study,” TS DPLR Ltr, “Information on MIRV Study Defense Excursion,” 5 Feb. 70, with 2 attachments

8. OPS 4-4, “NU-OPTS,” cy of TS XPS Document, “NU-OPTS Summary,” 9 Oct 70

9. OPS 4-10, “SAC Input to DPRC Strategic Posture Analysis,” cy of TS XP Ltr, “DPRC Meeting on Strategic Force Vulnerability,” 5 Apr[i]l 71 with 1 attachment

10. OPS 4-10, “SAC Input To DPRC Strategic Posture Analysis,” 27 Oct 70

11. OPS 5, “Strategy,” cy of TS XP Ltr, “Policy Guidance on War Fighting,” 4 Mar 71, with 2 attachments

12. OPS 5, “Strategy,” TS notes, “Four Crises, Berlin, Lebanon, Cuba, Korea,” 10 Nov 71

13. OPS 5, “Strategy,” TS ltr, “Major Actions at National Level on Strategy and Forces,” 11 Jan 71

14. OPS 7, “Warplanning,” cy of TS JSTPS/CINCSAC ltr, “ASRC,” n.d.

15. OPS 7, “Warplanning,” cy of TS XP ltr, “Limited Nuclear Options,” Sep 72

16. OPS 7, cy of TS XPS ltr, “XPS Recap and Comments on JCS Papers Addressing Capabilities of U.S. Strategic Forces to Meet Sufficiency Criteria . . . ,” 4 Sept 70

(Archive Request No. 980396AIR002; Air Force FOIA No. 98-333 and 98-1442).

594. On July 14, 1998, Defendant 11 CS/SCSR, acknowledged receipt of Plaintiff’s request.

595. On July 21, 1998, CS/SCSR wrote Plaintiff that it forwarded the request to Defendant HQ ACC/SCTC.

596. On August 27, 1998, HQ ACC/SCTC wrote Plaintiff that it needed additional time to review the documents.

597. On September 11, 1998, HQ ACC/SCTC notified Plaintiff that it referred the request back to 11 CS/SCSR.

598. On September 24, 1998, 11 CS/SCSR wrote Plaintiff that it had no records responsive to the request.

599. On September 29, 1998, Defendant 11 CS/SCSR acknowledged receipt of Plaintiff's request.

600. On October 5, 1998, Plaintiff appealed the "no records" determination.

601. Defendant did not respond to Plaintiff's appeal.

602. On September 13, 2004, Plaintiff refiled its original request with 11 CS/SCSR, (Archive Request No. 20041026AIR063; Air Force FOIA No. 04-1192).

603. On September 22, 2004, 11 CS/SCS acknowledged receipt of the refiling.

604. On October 29, 2004 and January 4, 2005, 11 CS/SCS wrote Defendant that it needed additional time to properly process the request.

605. To date, Defendant has neither denied nor provided any records responsive to this FOIA request.

(56) TAIWAN CRISIS OF 1958

606. On December 15, 1998, Plaintiff wrote Defendant 11 MSS/IMS to request, pursuant to FOIA, the following documents:

1. Fifth Air Force in the Taiwan Straits Crisis of 1958 (TS) by Arthur C. O'Neil (1958)
2. Air Operations in the Taiwan Crisis of 1958, by Jacob Van Staarven, 1962
3. Any chapters or portions from histories of the U.S. PACAF relating in whole or in part to deployments in Taiwan of nuclear-capable aircraft and missiles during 1957 and 1958.

(Archive Request No. 980528AIR009; Air Force FOIA No. 99-0323)

607. On December 22, 1998, Defendant 11 CS/SCSR acknowledged receipt of Plaintiff's request.

608. On December 28, 1998, 11 CS/SCSR wrote Plaintiff that it forwarded the request to HQ PACAF/SCM.

609. On January 19, 1999 HQ PACAF/SCT (FOI) wrote Plaintiff that it referred two documents to 374 CS/SCSR. It continued, "A review of the 1997 and 1958 PACAF Command Histories will be accomplished by this headquarters."

610. On January 26, 1999, HQ PACAF/SCT wrote Plaintiff that it had no documents responsive to the request.

611. On February 2, 1999, 374 CS/SCSR, wrote Plaintiff that it referred part of the requested documents to the AFHRC and that it referred the first document requested to other agencies for review because it was "still classified as Secret/Formally Restricted Data (FRD)."

612. On February 18, 1999, CS/SCSR wrote Plaintiff that, "Per Air Force Instruction 37-131/PACAF Supplement 1, paragraph 15.1.17, the requested documents have been forwarded to HQ/PACAF/SCT ... They will respond directly to you."

613. On March 22, 1999, HQ PACAF/SCT wrote Plaintiff that it needed more time for other agencies to review the document.

614. On September 12, 2000, Defendant 374 SC/SCSR wrote Plaintiff that the documents were forwarded to HQ PACAF/SCXPF.

615. On September 13, 2004 Plaintiff refiled its original request with AFHRA/RSA and HQ PACAF/SCT (Archive Request No. 20041027AIR064).

616. On September 21, 2004, HQ PACAF/SCT wrote Plaintiff that it was going to refer one document to Yokota AB Japan for a declassification review and release determination.

617. On September 23, 2004, AFHRA/RSA released the second document to Plaintiff.

618. On November 23, 2004, Defendant 374 CS/SCSR wrote Plaintiff that, “[P]rocessing your case is complex because the records sought are over 40 years old, multiple organizations have to work on this request, and responsive records were from an agency that no longer exists. We are working with the History Office to ensure the documents are properly declassified.”

619. To date, Defendant has neither denied this FOIA request nor released the remaining two documents.

(57) CHILEAN MILITARY, INTELLIGENCE, AND POLICE AGENCIES: 1973-1980

620. On February 4, 1999, Plaintiff wrote Defendant 11 MSS/IMS to request, pursuant to FOIA:

Any and all documentation – including but not limited to memcons, reports, briefings, memoranda, telegrams and cable, diaries/logs, chronologies, interviews, and letters - - relating in whole or in part to the following Chilean military, intelligence, and/or police agencies (or agents therefrom) between 1973 and 1980:

- 1) Departamento de Inteligencia Nacional (DINA)
- 2) Centro Nacional de Informacion-Chile (CNI)

(Archive Request No. 990066AIR0029; Air Force FOIA No. 99-0541).

621. On February 9, 1999, Defendant acknowledged receipt of Plaintiff’s request.

622. On March 11, 1999, Defendant 11 CS/SCSR wrote Plaintiff that it needed an extension of time in which to respond to the request.

623. Defendant has provided no information regarding this FOIA request in the last five years. It has neither denied nor released the documents requested.

(58) SAC HISTORIES: 1976-1978

624. On March 22, 1999, Plaintiff wrote Defendant 11 MSS/IMS to request, pursuant to FOIA, “Copies of Strategic Air Command Headquarters Histories for 1976, 1977, [and]

1978.” (Archive Request No. 990124AIR004; Air Force FOIA No. 99-0822, 99-214, 99-215, 99-216, JACL 03092, 03-77).

625. On April 22, 1999, 11 CS/SCSR wrote Plaintiff that the request had been forwarded to HQ ACC/SCBP.

626. On June 3 and 17, 1999, Defendant HQ ACC/SCXP wrote to Plaintiff requesting an extension of time to process the request.

627. On March 28, 2002, Plaintiff consented to the excision of certain material from the request.

628. On October 9, 2002, Defendant HQ ACC/SC released portions of one document to Plaintiff.

629. On November 13, 2002, Plaintiff appealed some of the excisions.

630. On December 3, 2002, Plaintiff wrote to HQ ACC/SCXP to supplement its appeal.

631. On December 18, 2002, Defendant HQ ACC/SCXP wrote Plaintiff that it needed an extension of time to process the appeal.

632. On June 16, 2003, Defendant AFLSA/JACL acknowledged receipt of the appeal.

633. To date, Defendant has not processed Plaintiff's appeal as to the one document it did release.

(59) HISTORY OF 92D STRATEGIC WING

634. On February 24, 2000, Plaintiff wrote 92 CS/SCXAR to request, pursuant to FOIA, the “[h]istory of the 92nd Strategic Wing (heavy) and 92nd Combat Support Group, 15th Air Force, for the period that includes August 1969.” (Archive Request No. 20000032AIR007; Air Force FOIA No. 2000-015, 00-041).

635. On February 29, 2000, Defendant 92 CS/SCXAR acknowledged receipt of the request.

636. On March 10, 2000 Defendant 92 CS/SCXAR wrote Plaintiff that it was forwarding the request to AFHRA.

637. On March 29, 2000, Defendant HQ AFHRA/RSA acknowledged receipt of the request and released a portion of one document. It indicated that the excised portion of the document might be released after further review by other agencies.

638. On August 23, 2000, HQ AFHRA/RSA wrote Plaintiff that the remaining portion of the document had been forwarded to ACC/SCXP.

639. On November 9, 2000, HQ AFHRA/RSA released redacted pages from one document.

640. On June 15, 2001, Defendant AFHRA/RSA wrote Plaintiff that “[d]ue to the passage of time since you placed your original request, we are unable to verify which pages you requested originally” and requested that Plaintiff review the table of contents of the document in question in order to indicate the pages it still desired.

641. On June 20, 2001, Plaintiff responded to Defendant AFHRA/RSA and requested four pages of the document.

642. To date, Defendant has neither released all documents responsive to Plaintiff’s FOIA request nor denied the request.

(60) USAF FOREIGN TECHNOLOGY DIVISION REPORTS: 1976-1980

643. On April 21, 2000, Plaintiff wrote 11 MSS/IMS to request, pursuant to FOIA:

Any reports from 1976-80 by the Air Force’s Foreign Technology Division at Wright Patterson Air Base on developments in the Chinese ballistic missile program, including deployments, tests, and new delivery systems.

(Archive Request No. 20000136AIR013; Air Force FOIA No. 00-0939, NAIC-00-052).

644. On April 26, 2000, 11 CS/SCS acknowledged receipt of the request.

645. On April 27, 2000, 11 CS/SCS wrote Plaintiff that it forwarded the request to NAIC/SCVMS.

646. On May 22, 2000, Defendant NAIC/SCVMS acknowledged receipt of the request.

647. On June 20, 2000, May 14, 2002, and June 27, 2003, NAIC/SCVMS wrote Plaintiff that it required an extension of time.

648. On October 28, 2004, NAIC/SCVMS denied Plaintiff's request on the ground that it was exempt.

649. On November 17, 2004, Plaintiff appealed Defendant's denial of the request.

650. To date, Defendant has not processed Plaintiff's appeal.

(61) PAKISTANI NUCLEAR TESTS

651. On June 2, 2000, Plaintiff wrote 11 MSS/IMS to request, pursuant to FOIA, the following:

This request is in reference to underground nuclear tests conducted by Pakistan on May 28, 1998 and May 30, 1998. Pakistan indicated that the tests included a device with an output between 30-35 kilotons, and five "low-yield tactical devices." The tests were conducted at a testing range in the Chagai Hills in Baluchistan. Specifically I am requesting all documents from May until December 1998 concerned with:

1. Evaluations of the purpose, strength, characteristics and technical success of the tests, including the question of whether radioactivity was released.
2. Evaluations of the efficacy of intelligence officials in predicting and assessing the technical and political implications of these tests.

(Archive Request No. 20000195AIR014; Air Force FOIA No. 00-1132, JACL 03039).

652. On June 9, 2000, Defendant 11 CS/SCS acknowledged receipt of Plaintiff's request.

653. On July 6, August 7, and September 12, 2000, 11 CS/SCS wrote Plaintiff that it was processing the request and needed additional time.

654. On February 12, 2001, Defendant 11 CS/SCS denied the request on the grounds that it was exempt.

655. On March 1, 2001, Plaintiff appealed the denial of the request.

656. On January 10, 2003, Defendant AFLSA/JACL acknowledged receipt of the appeal.

657. To date, Defendant has not processed Plaintiff's appeal.

(62) SAC HISTORIES: 1973

658. On July 17, 2000, Plaintiff wrote 11 MSS/IMS to request, pursuant to FOIA:

Copies of the following Strategic Air Command histories:

1. "Chronology, Middle East Crisis," Robert M. Krip, 1973
2. "SAC Weapons Systems Acquisition, 1964-79," 1980
3. "Fifteenth Air Force Middle East Chronology, 18-Oct.-6 November 1973," published in 1973.
4. "Second Air Force Chronology of Middle East Contingency, 6 Oct.-9 Nov. 1973" by L.F. Herzberg, 1973

(Archive Request No. 20000369AIR015; Air Force FOIA No. 00-1298).

659. On August 18, 2000, Defendant 11 CS/SCS wrote Plaintiff that it would be unable to process the request within the FOIA time limits.

660. On August 25, 2000, Defendant wrote Plaintiff that it had forwarded the request to HQ ACC/SCXP.

661. On September 28, 2000, Defendant HQ ACC/SCXP wrote Plaintiff that it would be unable to process the request within the FOIA time limits.

662. To date, Defendant has neither released all documents responsive to Plaintiff's FOIA request nor denied the request.

(63) SAC HISTORIES: 1963-1964

663. On March 1, 2001, Plaintiff wrote 11 MSS/IMS to request, pursuant to FOIA:

Copies of the following material from histories of the Strategic Air Command:

1. July-December 1963: chapters I, II, III, IV, and VII
2. January-June 1964: chapters I, II, III, IV, and VII

(Archive Request No. 20010288AIR007; Air Force FOIA No. 01-0619, 01-159, 2001-160).

664. On March 6, 2001, Defendant 11 CS/SCS acknowledged receipt of Plaintiff's request.

665. On March 20, 2001, 11 CS/SCS wrote Plaintiff that it had forwarded the request to HQ ACC/SCXP.

666. On April 15, 2004, Defendant HQ ACC/SC released a portion of one document in response to part of the request. It indicated that it was still reviewing the remainder of the request.

667. On April 27, 2004, Plaintiff appealed the excision of portions of the document released.

668. On May 27, 2004, Defendant HQ ACC/SCXP acknowledged receipt of the appeal and indicated that it needed additional time to process the appeal.

669. To date, Defendant has not processed the remainder of the request.

670. To date, Defendant has not processed Plaintiff's appeal as to the one document it did release.

(64) 22D AND 92D SAW HISTORIES: 1969

671. On June 1, 2001, Plaintiff wrote HQ ACC SCBP to request, pursuant to FOIA:

The following material from histories of the 22nd and 92nd Strategic Air Command combat wings for calendar year 1969: title page, table of contents and any chapter(s) that discuss alert operations and/or readiness tests.

(Archive Request No. 20010785AIR014; Air Force FOIA No. 2001-226, JACL 02048).

672. On June 7, 2001, Plaintiff narrowed its request.

673. On July 9, 2001, HQ ACC/SCXP wrote Plaintiff that it would not be able to comply with the FOIA time limits.

674. On August 20, 2001, HQ ACC/SC released redacted portions of certain documents.

675. On September 27, 2001, Plaintiff appealed the denial of the redacted portions of the documents.

676. On October 31, 2001, Defendant HQ ACC/SCXP acknowledged receipt of the appeal and indicated that it needed additional time to process it.

677. On November 19, 2001, Defendant HQ ACC/SCXP released additional portions of the redacted documents but continued to deny Plaintiff's request as to a portion of the document.

678. On December 13, 2001, Plaintiff appealed the denial of the remainder of the documents.

679. On December 17, 2001, Plaintiff narrowed the appeal and withdrew its request for certain of the withheld documents.

680. On February 4, 2002, Defendant HQ ACC/SCXP wrote plaintiff that it forwarded the appeal to AFLSA/JACL.

681. On February 13, 2002, AFLSA/JACL acknowledged receipt of the appeal.

682. On January 16, 2003, Plaintiff wrote AFLSA/JACL requesting that certain portions of the denied documents be released on appeal.

683. On April 20, 2004, Plaintiff wrote Defendant AFLSA regarding the status of the appeal.

684. To date, Defendant has not processed Plaintiff's appeal as to the remaining documents in the request.

(65) MARIA ELENA MOYANO MURDER

685. On October 29, 2001, Plaintiff wrote the DOS, to request, pursuant to FOIA, the

All records, regardless of medium, relating in whole or in part to the February 14, 1992 murder of Maria Elena Moyano by the Peruvian guerrilla group Sendero Luminoso (aka The Shining Path). Moyano was shot and then dynamited, during a local barbecue held in her honor. Moyano was the deputy-mayor of Villa El Salvador, a shanty-town outside of Lima, Peru.

(Archive Request No. 20011314DOS324; Air Force FOIA No. 04-0536).

686. On November 9, 2001, the DOS acknowledged receipt of the request.

687. On March 29, 2004, the DOS released three documents to Plaintiff and indicated that other agencies were reviewing an additional seven documents.

688. On April 6, 2004, Defendant 11 CS/SCS wrote Plaintiff that it had received the request and had forwarded it to AFOSI/SCR.

689. On October 27, 2004, Defendant HQ AFOSI/XILI acknowledged it had received the request.

690. To date, Defendant has neither released any documents responsive to Plaintiff's FOIA request nor denied the request.

(66) SOVIET SPACE PROGRAM

691. On December 6, 2002, Plaintiff wrote NAIC/SCVMS to request, pursuant to FOIA, the following documents:

“Conversion of PMSC Site 9 for a New Space Launch Program,” Air Force Foreign Technology Bulletin: 14:5-9, August 27, 1982.

“Forecast of Soviet Directed ASAT Systems 1978-1998, Executive Summary,” Wright-Patterson AFB, OH, 15 December 1980.

(Archive Request No. 20020720AIR010; Air Force FOIA No. NAIC-03-007).

692. On December 19, 2002, NAIC/SCVMS acknowledged receipt of Plaintiff's request.

693. On January 21, 2003, NAIC/SCVMS wrote Plaintiff that it needed additional time to process the request.

694. To date, Defendant has neither released any documents responsive to Plaintiff's FOIA request nor denied the request.

(67) SOVIET SPACE PROGRAM

695. On December 17, 2002, Plaintiff wrote Defendant to request, pursuant to FOIA, the

“Psychological Problems of Soviet Cosmonauts,” Air Force Foreign Technology Bulletin, 14:27-31, August 27, 1982. “Salyut Spacecraft Rendezvous and Docking Radar systems,” Wright-Patterson AFB, OH, August 24, 1981. “Soviet Cosmos 929 type Spacecraft,” Air Force Foreign Technology Bulletin, pp 1-11, January 12, 1984.

(Archive Request No. 20020744AIR012; Air Force FOIA No. NAIC-03-010).

696. On December 19, 2002, and January 21, 2003, Defendant NAIC/SCVMS wrote Plaintiff that it needed additional time to complete the request.

697. To date, Defendant has neither released any documents responsive to Plaintiff's FOIA request nor denied the request.

(68) ISRAELI BALLISTIC MISSILE PROGRAMS

698. On January 28, 2003, Plaintiff wrote NAIC/SCVMS to request, pursuant to FOIA, “[a]ny FTD (Foreign Technology Division)/NAIC studies and reports from 1985 to 2002 on ballistic missile programs of Israel.” (Archive Request No. 20030066AIR004; Air Force FOIA No. NAIC-03-012).

699. On February 20, 2003, NAIC/SCVMS acknowledged receipt of Plaintiff’s request.

700. On April 21, 2003, NAIC/SCVMS wrote Plaintiff that it needed additional time to process the request.

701. To date, Defendant has neither released any documents responsive to Plaintiff’s FOIA request nor denied the request.

(69) SAC UNIT HISTORIES: 1969

702. On January 27, 2003, Plaintiff wrote HQ ACC/SCXP to request, pursuant to FOIA:

[T]itle pages; tables of contents; and information concerning alert (airborne, ground, and SEAGA) activities and readiness tests during the period September-December 1969 from histories of the following Strategic Air Command units:

1. 98th Strategic Wing, Torrejon AB, Spain
2. 8th Air Force and 99th Bomber Wing, Westover AFB
3. 17th Bomber Wing, Wright Patterson AB, Ohio
4. 93rd Bomber Wing, Castle AFB, California
5. 68th Bomber Wing, Seymour Johnson AFB, NC
6. 305th Bomber Wing, Grissom AFB, Indiana
7. 306th Bomber Wing, McCoy AFB, Florida
8. 380th Strategic Aerospace Wing, Plattsburgh AFB, NY
9. 416th Bomber Wing, Griffiss AFB, NY

(Archive Request No. 20030068AIR006; Air Force FOIA Nos. 2003-108, 2003-109, 2003-110, 2003-111, JACL 03073, JACL 03074).

703. On February 26, 2003, HQ ACC/SCXP acknowledged receipt of Plaintiff's request and indicated it would respond to the request by March 12, 2003.

704. On March 4, 2003, HQ ACC/SC released redacted documents in response to part of the request. It indicated that it was still processing the remainder of the request.

705. On March 7, 2003, HQ ACC/SC released redacted documents in response to another part of the request. It also indicated that it was still processing the remainder of the request.

706. On March 12, 2003, HQ ACC/SC wrote Plaintiff that it was still reviewing the remainder of the request.

707. On March 22, 2003, Plaintiff appealed the March 4 and March 7 decisions to redact portions of certain released documents.

708. On March 24, 2003, Plaintiff supplemented its appeal.

709. On March 27, 2003, Defendant HQ ACC/SC released redacted documents in response to a third part of the original request and indicated that it was still processing the remainder of the request.

710. On April 9, 2003, Defendant HQ ACC/SC released redacted documents in response to the fourth and final part of the request.

711. On April 16 and 17, 2003, Defendant AFLSA/JACL acknowledged receipt of Plaintiff's appeals.

712. On April 20, 2004, Plaintiff wrote AFLSA to inquire as to the status of its appeals.

713. To date, Defendant has not processed Plaintiff's appeals.

(70) SOVIET SATELLITES

714. On March 18, 2003, Plaintiff wrote DIA to request, pursuant to FOIA, the following documents:

“Reconnaissance/Surveillance Space System – USSR,” Washington, 29 August 1983, 286 pages.

“Soviet Military Space Capability,” Washington, 29 June 1983, 31 pages.

“Soviet Space Operation,” Washington, 6 July 1983, 99 pages.

(Archive Request No. 20030172DIA011 (sometimes misprinted in Archive correspondence as 20030173DIA011); Air Force FOIA No. NAIC-04-003).

715. On October 21, 2003, NAIC/SCVMS acknowledged receipt of Plaintiff’s request.

716. On November 19, 2003, NAIC/SCVMS wrote Plaintiff that it needed additional time to process the request.

717. To date, Defendant has neither released any documents responsive to this FOIA request nor denied the request.

(71) SOUTH AFRICAN BALLISTIC MISSILE PROGRAMS

718. On March 24, 2003, Plaintiff wrote NAIC/SCVMS to request, pursuant to FOIA, “[a]ny FTD (Foreign Technology Division)/NAIC studies and reports from 1985 to 2002 on ballistic missile programs of South Africa.” (Archive Request No. 20030181AIR008; Air Force FOIA No. NAIC-03-021).

719. On March 25, 2003, NAIC/SCVMS acknowledged receipt of Plaintiff’s request.

720. On June 1, 2003, NAIC/SCVMS wrote Plaintiff that it needed additional time to process the request.

721. To date, Defendant has neither released any documents responsive to this FOIA request nor denied the request.

(72) NORTH KOREAN BALLISTIC MISSILE PROGRAMS

722. On March 18, 2003, Plaintiff wrote NAIC/SCVMS to request, pursuant to FOIA, “[a]ny FTD (Foreign Technology Division)/NAIC studies and reports from 1985 to 2002 on ballistic missile programs of North Korea.” (Archive Request No. 20030182AIR009; Air Force FOIA No. NAIC-03-016).

723. On March 25, 2003, NAIC/SCVMS acknowledged receipt of Plaintiff’s request.

724. On April 25, 2003, NAIC/SCVMS wrote Plaintiff that it needed additional time to process the request.

725. To date, Defendant has neither released any documents responsive to this FOIA request nor denied the request.

(73) IRANIAN BALLISTIC MISSILE PROGRAMS

726. On March 20, 2003, Plaintiff wrote NAIC/SCVMS to request, pursuant to FOIA, “[a]ny FTD (Foreign Technology Division)/NAIC studies and reports from 1985 to 2002 on ballistic missile programs of Iran.” (Archive Request No. 20030183AIR010; Air Force FOIA No. NAIC-03-017).

727. On March 25, 2003, NAIC/SCVMS acknowledged receipt of Plaintiff’s request.

728. On April 25, 2003, NAIC/SCVMS wrote Plaintiff that it needed additional time to process the request.

729. To date, Defendant has neither released any documents responsive to Plaintiff’s FOIA request nor denied the request.

(74) IRAQI MISSILE/AIRCRAFT SYSTEMS/CAPABILITIES: 2001-2002

730. On May 2, 2003, Plaintiff wrote NAIC/SCVMS to request, pursuant to FOIA, “[a]ll studies of Iraqi missile or aircraft systems/capabilities produced between January 1, 2001

and December 31, 2002.” (Archive Request No. 20030280AIR012; Air Force FOIA No. NAIC-03-022).

731. On May 8, 2003, Defendant NAIC/SCVMS acknowledged receipt of Plaintiff’s request and indicated it would respond by June 5, 2003.

732. On June 5, 2003, NAIC/SCVMS wrote Plaintiff that it needed additional time to process the request.

733. To date, Defendant has neither released any documents responsive to Plaintiff’s FOIA request nor denied the request.

(75) USAF HISTORIES: 1966-1967

734. On June 3, 2003, Plaintiff wrote 11 CS/SCSR to request, pursuant to FOIA:

“[T]he following histories produced by the U.S. Air Force History Office:

1. Bernard C. McNulty, “USAF Ballistic Missile Programs, 1962-1964,” April 1966
2. U.S. Air Force, Historical Division Liaison Office, “USAF Ballistic Missile Program, 1964-1967,” March 1967
3. George F. Lemmer, “The Air Force and Strategic Deterrence, 1951-1960,” December 1967.

(Archive Request No. 20030340AIR013; Air Force FOIA No. 03-0818).

735. On June 10, 2003, Defendant 11 CS/SCS acknowledged receipt of Plaintiff’s request.

736. On June 30, 2003, Defendant 11 CS/SCS wrote Plaintiff that the documents had become public domain and had been transferred to AFHRA. 11 CS/SCS suggested that Plaintiff should send its request to AFHRA.

737. Defendant 11 CS/SCS did not transfer Plaintiff’s request to AFHRA itself, nor did it explicitly deny the request.

(76) 1984 TARIQ AZIZ VISIT TO WASHINGTON

738. On August 28, 2003, Plaintiff wrote the CIA to request, pursuant to FOIA:

All documents including but not limited to intelligence appraisals, memoranda, intelligence memoranda, reports, information reports, intelligence information cables, intelligence reports, situation reports, national intelligence estimates, special estimates, special national intelligence estimates, special analyses, notes, biographic sketches, or summaries reviewed or created during planning for, during, or resulting from a visit by Iraqi foreign minister Tariq Aziz to Washington in November 1984.

(Archive Request No. 20030870CIA060; Air Force FOIA No. 04-0432).

739. On September 11, 2003, the CIA acknowledged receipt of Plaintiff's request.

740. On October 30, 2003, the CIA wrote Plaintiff that it needed additional time to process the request.

741. On February 23, 2004, the CIA wrote Plaintiff that it had no records responsive to the request and indicated that it had forwarded the request to another agency for review.

742. On March 3, 2004, Defendant 11 CS/SCS acknowledged receipt of the request.

743. To date, Defendant has neither released any documents responsive to Plaintiff's FOIA request nor denied the request.

(77) IRAQI UAVS

744. On October 29, 2003, Plaintiff wrote NAIC/SCVMS to request, pursuant to FOIA, the

Any studies of Iraqi UAVs (Unmanned Aerial Vehicles) completed between January 1, 2000 and February 28, 2003. Please include all material contained in these studies that concern Iraq.

(Archive Request No. 20030966AIR005; Air Force FOIA No. NASIC-04-006).

745. On November 20, 2003, NAIC/SCVMS acknowledged receipt of Plaintiff's request.

746. On December 19, 2003, NAIC/SCVMS wrote Plaintiff that it needed additional time to process the request.

747. To date, Defendant has neither released any documents responsive to this FOIA request nor denied the request.

(78) CHINA BALLISTIC MISSILE PROGRAMS

748. On December 3, 2003, Plaintiff wrote NAIC/SCVMS to request, pursuant to FOIA, “[a]ny studies of Chinese ballistic missiles programs, written between 1965 and 1975.” (Archive Request No. 20031017AIR006; Air Force FOIA No. 04-109AB, NASIC-04-011).

749. On December 17, 2003, 88 CG/SCCM acknowledged receipt of Plaintiff’s request and indicated that it had transferred the request to NAIC/SCVMS.

750. On January 6, 2004, NAIC/SCVMS acknowledged receipt of the request.

751. On February 6, 2004, NAIC/SCVMS wrote Plaintiff that it needed additional time to process the request.

752. To date, Defendant has neither released any documents responsive to this FOIA request nor denied the request.

(79) IRAQI CHEMICAL WEAPONS: 1981-1988

753. On January 21, 2004, Plaintiff wrote 11 CS/SCSR to request, pursuant to FOIA:

All documents including but not limited to assessments, background papers, briefing papers, contingency plans, memoranda, reports, situation reports, intelligence reports, notes, policy papers, or summaries concerned in whole or in part with:

Iraq’s planning and/or strategy regarding chemical weapons use from 1981 through 1988. Please include records of the Tactical Air Command in your search.

Note: this request has also been submitted to the Air Intelligence Agency.

(Archive Request No. 20040046AIR001; Air Force FOIA No. 04-0311).

754. On January 22, 2004, 11 CS/SCS acknowledged receipt of Plaintiff’s request.

755. On March 31, 2004, 11 CS/SCS wrote Plaintiff that it needed additional time to process the request.

756. On May 12, 2004, 11 CS/SCS wrote Plaintiff that it had no records responsive to a part of the request. It also indicated that it forwarded another part of the request to HQ ACC/SCXP.

757. To date, Defendant has neither released all documents responsive to Plaintiff's FOIA request nor denied the request.

(80) FTD REPORTS

758. On February 2, 2004, Plaintiff wrote 11 CS/SCSR to request, pursuant to FOIA:

[T]wo reports by the Foreign Technology Division of the former Air Force Security Command:

- 1) "Air Breathing and Rocket Propulsion Technology, Peoples Republic of China," Washington, D.C., 1974
- 2) "Ballistic Missile Guidance and Control – USSR and PRC," Washington, D.C., March 12, 1976

(Archive Request No. 20040103AIR004; Air Force FOIA No. 04-0392, NASIC-04-026).

759. On February 19, 2004, 11 CS/SCS acknowledged receipt of Plaintiff's request.

760. On April 13, 2004, Defendant wrote Plaintiff that it had forwarded the request to NAIC/SCVMS.

761. On April 13, 2004, NAIC/SCVMS acknowledged receipt of Plaintiff's request.

762. On May 24, 2004, NASIC/SCVMS wrote Plaintiff that it needed additional time to process the request.

763. To date, Defendant has neither released any documents responsive to Plaintiff's FOIA request nor denied the request.

(81) SOVIET STRATEGIC PROGRAMS

764. On February 3, 2004, Plaintiff wrote 11 CS/SCSR to request, pursuant to FOIA, "RAND Corporation study by Benjamin Lambeth, "Soviet Strategic Programs and Policies,

1964-1972,” “RAND WN-9454-PR, published in April 1976.” (Archive Request No. 20040107AIR005; Air Force FOIA No. 04-0393).

765. On February 19, 2004, 11 CS/SCS acknowledged receipt of Plaintiff’s request.

766. On April 5 and October 20, 2004, Defendant 11 CS/SCS wrote Plaintiff that it needed additional time to process the request.

767. To date, Defendant has neither released any documents responsive to Plaintiff’s FOIA request nor denied the request.

(82) PERSIAN GULF: 1984

768. On March 8, 2004, Plaintiff wrote AF-CIO/P to request, pursuant to FOIA:

All documents including but not limited to background papers, briefing papers, directives, memoranda, reports, situation reports, contingency plans, intelligence reports, notes, policy papers, or summaries from March through June 1984 concerned in whole or in part with:

Planning for coordinated or combined actions to prevent closure of the Strait of Hormuz or damage to oil production or distribution facilities in the Persian Gulf region resulting from military actions in the Iran-Iraq War.

Assessments of U.S. Military capabilities and requirements in the Persian Gulf region provided to the National Security Council.

Please include records of the office of the secretary, office of the under secretary for international affairs, and of the chief of staff (General Charles A. Gabriel) in your search.

(Archive Request No. 20040235AIR006; Air Force FOIA No. 04-0459).

769. On March 9, 2004, 11 CS/SCS acknowledged receipt of Plaintiff’s request.

770. On April 6, 2004, 11 CS/SCS wrote Plaintiff that it needed additional time to process the request.

771. On May 20, 2004, 11 CS/SCS wrote Plaintiff that it had forwarded the request to AFHRA/IM.

772. To date, Defendant has neither released any documents responsive to Plaintiff's FOIA request nor denied the request.

***D. THE AIR FORCE'S FOIA RECORD IN THE CONTEXT OF
OTHER DEPARTMENT OF DEFENSE AGENCIES***

773. According to statistics reported by the agencies, the Air Force receives fewer FOIA requests than either the Department of the Army ("Army") or the Department of the Navy ("Navy") (which includes the Marines for purposes of the FOIA), yet it takes much longer to process them. For example, in fiscal year 2002, (the most recent year for which statistics are available for all three agencies), the Air Force received only 11,335 FOIA requests, while the Army received 28,084 and the Navy received 20,725. That same year, by contrast, the median age of open requests at the Air Force was 169 days, while the median age of open requests at the Navy was less than 1/6th of that time, or only 25 days, and at the Army, 21 days.

774. Furthermore, the Air Force does not appear to be improving its handling of FOIA requests. It has not demonstrated progress in reducing its backlog. Instead, for the last two fiscal years, 2003 and 2004, the Air Force has had more open requests at the end of the year than it did at the start of the year.

775. The Air Force has also failed to comply with the Department of Defense's FOIA regulations. See 32 C.F.R. § 286.1 et seq. (as supplemented for the Air Force in 32 C.F.R. § 806.1 et seq.).

776. The Department of Defense regulations require a two-tier processing system whereby "simple" requests must be processed before "complex" requests. 32 C.F.R. § 286.4(2). The Air Force must give those individuals whose requests do not qualify as "simple" an opportunity to limit their requests for faster processing. Id. The Air Force does not generally

indicate into which category requests fall and thus does not indicate the availability of this option.

777. Within each processing category, the Department of Defense regulations require that those requests filed first should be processed first. 32 C.F.R. § 286.4. The Air Force has not, however, followed a system whereby requests are processed in the order received. Rather, its response times vary widely and appear to follow no rational ordering system.

V. CAUSES OF ACTION

Count I

The Air Force has Violated the FOIA by Failing to Complete its Processing of Plaintiff's Requests.

778. Plaintiff incorporates the allegations set forth in ¶¶ 1-778 as if set forth fully herein.

779. The Defendant has failed to comply with the statutory time limits contained in 5 U.S.C. § 552(a)(6)(A)(i) with respect to the FOIA requests 1 – 82 listed above.

780. Pursuant to 5 U.S.C. § 552(a)(3) and regulations promulgated thereunder, Plaintiff has a right of access to the information and documents contained in the above-referenced requests.

781. Plaintiff has exhausted the applicable administrative remedies with respect to the above-referenced FOIA requests and is entitled to judicial review of the constructive denial of the above-referenced requests.

782. Plaintiff is entitled to injunctive relief with respect to the release and disclosure of the requested records.

Count II
The Air Force has Violated the FOIA
by Failing Timely to Address Plaintiff's Appeals.

783. Plaintiff incorporates the allegations set forth in ¶¶ 1-782 as if set forth fully herein.

784. The Defendant has failed to comply with the statutory time limits contained in 5 U.S.C. §552(a)(6)(A)(ii) with respect to the following FOIA appeals: Request 3 (appeal filed July 22, 1988); Request 11 (appeal filed November 26, 1991); Request 12 (appeal filed July 2, 1992); Request 17 (appeal filed November 2, 1995); Request 19 (appeal filed October 11, 1999); Request 26, (appeal filed November 22, 2002); Request 38 (appeal filed May 15, 1996); Request 43 (appeal filed February 26, 2001); Request 44 (appeal filed November 27, 2002); Request 48 (appeals filed May 30, 2001 and June 1, 2001); Request 52 (appeal filed October 7, 2002); Request 55 (appeal filed October 5, 1998); Request 58 (appeal filed November 13, 2002); Request 60 (appeal filed November 17, 2004); Request 61 (appeal filed March 1, 2001); Request 63 (appeal filed April 27, 2004); Request 64 (appeal filed December 13, 2001) and Request 64 (appeals filed March 22, 2003 and March 24, 2003).

785. Pursuant to 5 U.S.C. § 552(a)(4)(B) and regulations promulgated thereunder, Plaintiff has a right to judicial review of Defendant's FOIA withholdings.

786. Plaintiff is entitled to injunctive relief with respect to the release and disclosure of the requested records.

Count III
The Air Force has Violated the FOIA by Engaging in a Pattern
or Practice of Untimely Responses to FOIA Requests and Appeals

787. Plaintiff incorporates the allegations set forth in ¶¶ 1-786 as if set forth fully herein.

788. Defendant has a pattern and practice of not processing FOIA requests and appeals within the statutory time limits and failing to meet the notice requirements of the FOIA to advise requesters of its decision pursuant to 5 U.S.C. § 552(a)(6).

789. Defendant has a pattern and practice of not setting forth the “unusual circumstances” and specifying “the date on which a determination is expected to be dispatched,” where it invokes an extension of time to process FOIA requests, as required by 5 U.S.C. § 552(a)(6)(B).

790. Plaintiff has been injured by Defendant’s pattern and practice of failing to comply with the FOIA’s statutory deadlines and notice requirements.

791. Defendant’s pattern and practice are deliberate, arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the FOIA.

792. By failing to timely respond to FOIA requests and process responsive records, Defendant has effectively withheld those documents under the FOIA and constructively denied those requests.

VI. REQUEST FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court:

793. Expedite this case in accordance with 28 U.S.C. § 1657(a) so as to resolve this case in time for Plaintiff to incorporate the requested information in its current research activities;

794. Declare that the Defendant’s continued delay in processing Plaintiff’s FOIA requests, given the absence of any unusual circumstances, is unlawful under the FOIA;

795. Declare that the Defendant’s continued delay in processing Plaintiff’s FOIA appeals is unlawful under the FOIA;

796. Declare that Defendant has engaged in a pattern or practice of unlawful delay in processing FOIA requests;

797. Declare that Defendant has engaged in a pattern or practice of unlawful delay in processing FOIA appeals;

798. Declare that the Defendant's failure to respond in any substantive manner to a number of the requests referenced in this complaint is unlawful under the FOIA;

799. Declare that Defendant has engaged in a pattern or practice of not acknowledging receipt of requests made pursuant to the FOIA;

800. Order Defendant to acknowledge receipt of all FOIA requests;

801. Order the Defendant to conduct a thorough search for all responsive records without further delay;

802. Order the Defendant to provide Plaintiff with the requested records without further delay;

803. Order the Defendant to produce a Vaughn index inventorying all responsive records and itemizing and justifying all withholdings;

804. Order Defendant to comply with the FOIA's deadlines for making determinations;

805. Order Defendant to comply with the FOIA's requirements for providing notice of the unusual circumstances warranting additional processing time and specifying an expected determination date;

806. Order Defendant to comply with the FOIA's deadlines for resolving appeals;

807. Order Defendant to institute an agency-wide system to track FOIA requests made to any part or division of the Air Force;

808. Issue a finding with regard to the requests at issue here that, pursuant to 5 U.S.C. § 552(a)(4)(F), “the circumstances surrounding the withholding[s] raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding[s];”

809. Order the Special Counsel to “promptly initiate a proceeding to determine whether disciplinary action is warranted against” those officers and employees of Defendant “primarily responsible” for the unlawful withholdings, 5 U.S.C. § 552(a)(4)(F), and to submit findings and recommendations to the Defendant;

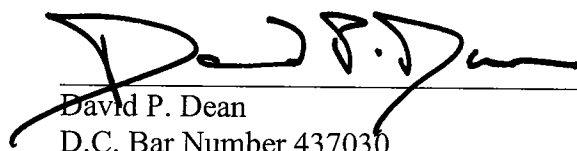
810. Order the Defendant to undertake such “corrective action” as recommended by the Special Counsel, id.;

811. Order the Defendant to commit adequate resources to ensure lawful compliance with the FOIA commensurate with other Defense agencies;

812. Award Plaintiff its costs and reasonable attorneys’ fees assumed in bringing forth this action; and

813. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. P. Dean', is written over a horizontal line.

David P. Dean

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Attorneys for the Plaintiff

DATE: March 18, 2005

END NOTE: ACRONYMS AND AIR FORCE COMPONENTS

KNOWN ACRONYMS

ACC	Air Combat Command
ACMI	Air Force Space Command
AF	Air Force
AFB	Air Force Base
AFDW	Air Force District of Washington
AFHRA	Air Force Historical Research Agency
AFHRC	Air Force Historical Research Center
AFHSO	Air Force History Support Office
AFLSA	Air Force Legal Services Agency
AFOSI	Air Force Office of Special Investigations
AIA	Air Intelligence Agency*
AISC	Army Intelligence and Security Center/Command
AMC	Air Mobility Command
ASD	Aeronautical Systems Division
BMO	Ballistic Missile Office
CAFH	Center for Air Force History
CIA	Central Intelligence Agency
DFOISR	Director, Freedom of Information and Security Review
DIA	Defense Intelligence Agency
DISA	Defense Information Systems Agency, Department of Defense
DISR	Directorate of Information and Security Review

DOA	Department of the Army
DOD	Department of Defense
DON	Department of the Navy
ESC	Electronic Security Command
HQ	Headquarters
MSS	Mission Support Squadron
MSSQ	Mission Support Squadron
NAIC	National Air Intelligence Center*
NARA	National Archives and Records Administration
NASIC	National Air and Space Intelligence Center*
NATO	North American Treaty Organization
NSA	National Security Archive
NSACSS	National Security Agency Central Security Service
NWCTF	National Archives
OAFH	Office of Air Force History
OASD	Office of Assistant Secretary of Defense
ODCSOP	Office of the Deputy Chief of Staff for Operations and Plans
OSAF	Office of the Secretary of the Air Force
PACAF	Pacific Air Forces
RGN	Record Group Number
SAF	Strategic Air Force
TAC	Tactical Air Command
USAF	United States Air Force

USAISC United States Army Intelligence and Security Command

USSPACECOM United States Space Command

USSTRATCOM United States Strategic Command

*Note: AIA, NAIC, and NASIC are different names for the same entity.

AIR FORCE COMPONENTS

ACC/IMD

ACC/SCXP

AIA/DDQI

AIA/DOQI

AMC/A63BR

ASD

AFDW/IMD

ASD/IMDF

AFHRA

3d Air Division/DADF

AFHRA/IM

AFHRA/RSA

AFHRC

AFLSA/JACL

BMO/IMDF

CAFH/HOR

3 Combat Support Group/DADF

CS/SCS

11 CS/SCS

CS/SCSR

11 CS/SCSR

15 CS/SCSR

374 CS/SCSR

OAFH

OSAF

PACAF/DADF

PACAF/SCI

PACAF/SCT

PACAF/SCTE

MSS/MSI

11 MSS/MSIS

1 MSSQ/MSIDF

NAIC/MSI

NAIC/SCVMS

NASIC/SCV
SAF/AADADF
SAF/AAIA
SAF/AAIS
SAF/GCA
TAC/IMD
USAF/DAQD

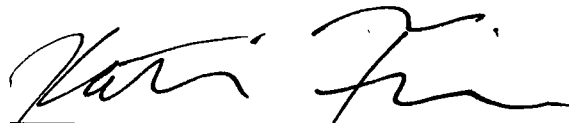
CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March, I caused to be served a copy of the following Complaint for Injunctive and Declaratory Relief on the following counsel in the method indicated:

(via hand-delivery) Kenneth L. Wainstein
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United States Attorney's Office for the
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(via first-class mail) Mary L. Walker
General Counsel, United States Air Force
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Attorney General
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Katie B. Feiock